

**Calendar No. 496**111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3676****[Report No. 111-237]**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

JULY 29, 2010

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

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**A BILL**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 Department of State, foreign operations, and related pro-  
6 grams for the fiscal year ending September 30, 2011, and  
7 for other purposes, namely:

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

8 For necessary expenses of the Department of State  
9 and the Foreign Service not otherwise provided for,  
10 \$9,600,000,000, of which \$1,681,000,000 is for World-  
11 wide Security Protection (to remain available until ex-  
12 pended): *Provided*, That the Secretary of State may trans-  
13 fer up to \$250,000,000 of the total funds made available  
14 under this heading to any other appropriation of any de-  
15 partment or agency of the United States, upon the concur-  
16 rence 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 funds made available under  
20 this heading shall be allocated as follows:

21 (1) HUMAN RESOURCES.—For necessary ex-  
22 penses for training, human resources management,  
23 and salaries, including employment without regard  
24 to civil service and classification laws of persons on  
25 a temporary basis (not to exceed \$700,000), as au-

1       thorized by section 801 of the United States Infor-  
2       mation and Educational Exchange Act of 1948,  
3       \$2,597,472,000 to remain available until September  
4       30, 2012, of which not less than \$140,728,000 shall  
5       be available only for public diplomacy American sal-  
6       aries, and \$249,315,000 is for Worldwide Security  
7       Protection and shall remain available until expended.

8               (2) OVERSEAS PROGRAMS.—For necessary ex-  
9       penses for the regional bureaus of the Department  
10      of State and overseas activities as authorized by law,  
11      \$3,504,493,000, to remain available until September  
12      30, 2012, of which not less than \$421,243,000 shall  
13      be available only for public diplomacy international  
14      information programs.

15              (3) DIPLOMATIC POLICY AND SUPPORT.—For  
16      necessary expenses for the functional bureaus of the  
17      Department of State including representation to cer-  
18      tain international organizations in which the United  
19      States participates pursuant to treaties ratified pur-  
20      suant to the advice and consent of the Senate or  
21      specific Acts of Congress, general administration,  
22      and arms control, nonproliferation and disarmament  
23      activities as authorized, \$896,028,000, to remain  
24      available until September 30, 2012.

1           (4) SECURITY PROGRAMS.—For necessary ex-  
2           penses for security activities, \$2,602,007,000, to re-  
3           main available until September 30, 2012, of which  
4           \$1,431,685,000 is for Worldwide Security Protection  
5           and shall remain available until expended.

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

9                   (A) not to exceed \$1,702,904 shall be de-  
10                  rived from fees collected from other executive  
11                  agencies for lease or use of facilities located at  
12                  the International Center in accordance with sec-  
13                  tion 4 of the International Center Act, and, in  
14                  addition, as authorized by section 5 of such  
15                  Act, \$505,000, to be derived from the reserve  
16                  authorized by that section, to be used for the  
17                  purposes set out in that section;

18                   (B) as authorized by section 810 of the  
19                  United States Information and Educational Ex-  
20                  change Act, not to exceed \$6,000,000, to re-  
21                  main available until expended, may be credited  
22                  to this appropriation from fees or other pay-  
23                  ments received from English teaching, library,  
24                  motion pictures, and publication programs and

1 from fees from educational advising and coun-  
2 seling and exchange visitor programs; and

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

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

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

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

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

1 (D) Not later than 45 days after the en-  
2 actment of this Act, the Secretary of State shall  
3 submit to the Committees on Appropriations a  
4 report detailing planned expenditures for funds  
5 appropriated under this heading.

6 (7) PROPERTY INVENTORY.—Funds appro-  
7 priated under this heading may not be made avail-  
8 able to the Department of State for the purchase of  
9 vehicles, radios, cell phones, and other nonexpend-  
10 able equipment unless the Secretary of State re-  
11 ports, in writing, to the Committees on Appropria-  
12 tions that the Department is taking steps to improve  
13 inventory procedures, including accounting for miss-  
14 ing armored vehicles, and for the timely disposal of  
15 excess equipment.

16 CIVILIAN STABILIZATION INITIATIVE

17 For necessary expenses to support, maintain, mobi-  
18 lize, and deploy a civilian response corps in coordination  
19 with the United States Agency for International Develop-  
20 ment (USAID), and for related reconstruction and sta-  
21 bilization assistance to prevent or respond to conflict or  
22 civil strife in foreign countries or regions, or to enable  
23 transition from such strife, \$50,000,000, to remain avail-  
24 able until expended: *Provided*, That funds made available  
25 under this heading may be made available in fiscal year

1 2011 to provide administrative expenses for the Office of  
2 the Coordinator for Reconstruction and Stabilization: *Pro-*  
3 *vided further*, That notwithstanding any other provision  
4 of law, and following consultation with the Committees on  
5 Appropriations, the President may exercise transfer au-  
6 thorities contained in the Foreign Assistance Act of 1961  
7 for reconstruction and stabilization assistance managed by  
8 the Office of the Coordinator for Reconstruction and Sta-  
9 bilization only to support an actively deployed Civilian Re-  
10 sponse Corps, subject to the regular notification proce-  
11 dures of the Committees on Appropriations: *Provided fur-*  
12 *ther*, That none of the funds appropriated under this head-  
13 ing may be obligated until the Secretary of State submits  
14 a report to the Committees on Appropriations clarifying  
15 the role of the Civilian Stabilization Initiative (CSI) in  
16 international crisis response, providing lessons learned  
17 since CSI's establishment, and detailing how CSI efforts  
18 are coordinated with those of other Federal agencies, par-  
19 ticularly USAID and the Department of Defense: *Pro-*  
20 *vided further*, That not later than 45 days after enactment  
21 of this Act, the Secretary of State and the USAID Admin-  
22 istrator shall submit a coordinated joint spending plan for  
23 funds made available under this heading.

## 1 CAPITAL INVESTMENT FUND

2 For necessary expenses of the Capital Investment  
3 Fund, \$139,000,000, to remain available until expended,  
4 as authorized: *Provided*, That section 135(e) of Public  
5 Law 103–236 shall not apply to funds available under this  
6 heading.

## 7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector  
9 General, \$115,000,000, notwithstanding section 209(a)(1)  
10 of the Foreign Service Act of 1980 (Public Law 96–465),  
11 as it relates to post inspections, of which \$22,000,000  
12 shall be for the Special Inspector General for Iraq Recon-  
13 struction for reconstruction oversight, and \$30,287,000  
14 shall be for the Special Inspector General for Afghanistan  
15 Reconstruction for reconstruction oversight.

## 16 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

17 For expenses of educational and cultural exchange  
18 programs, as authorized, \$654,277,000, to remain avail-  
19 able until expended: *Provided*, That not to exceed  
20 \$5,000,000, to remain available until expended, may be  
21 credited to this appropriation from fees or other payments  
22 received from or in connection with English teaching, edu-  
23 cational advising and counseling programs, and exchange  
24 visitor programs as authorized.



## 1 REPRESENTATION ALLOWANCES

2 For representation allowances as authorized,  
3 \$8,175,000.

## 4 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

5 For expenses, not otherwise provided, to enable the  
6 Secretary of State to provide for extraordinary protective  
7 services, as authorized, \$31,500,000, to remain available  
8 until September 30, 2012.

## 9 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

10 For necessary expenses for carrying out the Foreign  
11 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-  
12 serving, maintaining, repairing, and planning for buildings  
13 that are owned or directly leased by the Department of  
14 State, renovating, in addition to funds otherwise available,  
15 the Harry S Truman Building, and carrying out the Dip-  
16 lomatic Security Construction Program as authorized,  
17 \$914,082,000, to remain available until expended as au-  
18 thorized, of which not to exceed \$25,000 may be used for  
19 domestic and overseas representation as authorized: *Pro-*  
20 *vided*, That none of the funds appropriated in this para-  
21 graph shall be available for acquisition of furniture, fur-  
22 nishings, or generators for other departments and agen-  
23 cies.

24 In addition, for the costs of worldwide security up-  
25 grades, acquisition, and construction as authorized,

1 \$934,082,000, to remain available until expended: *Pro-*  
2 *vided*, That not later than 45 days after enactment of this  
3 Act, the Secretary of State shall submit to the Committees  
4 on Appropriations the proposed allocation of funds made  
5 available under this heading and the actual and antici-  
6 pated proceeds of sales for all projects in fiscal year 2011.

7 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

8 SERVICE

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to enable the Secretary of  
11 State to meet unforeseen emergencies arising in the Diplo-  
12 matic and Consular Service, \$11,000,000, to remain avail-  
13 able until expended as authorized, of which not to exceed  
14 \$1,000,000 may be transferred to, and merged with, funds  
15 appropriated by this Act under the heading “Repatriation  
16 Loans Program Account”, subject to the same terms and  
17 conditions.

18 REPATRIATION LOANS PROGRAM ACCOUNT

19 (INCLUDING TRANSFER OF FUNDS)

20 For the cost of direct loans, \$739,000, as authorized:  
21 *Provided*, That such costs, including the cost of modifying  
22 such loans, shall be as defined in section 502 of the Con-  
23 gressional Budget Act of 1974.

1 In addition, for administrative expenses necessary to  
2 carry out the direct loan program, \$711,000, which may  
3 be paid to “Diplomatic and Consular Programs”.

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), \$21,420,000.

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, \$1,575,430,000: *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 of any United Nations action to in-

1 crease funding for any United Nations program without  
2 identifying an offsetting decrease elsewhere in the United  
3 Nations budget: *Provided further*, That any payment of  
4 arrearages under this heading shall be directed toward ac-  
5 tivities that are mutually agreed upon by the United  
6 States and the respective international organization: *Pro-*  
7 *vided further*, That none of the funds appropriated under  
8 this heading shall be available for a United States con-  
9 tribution to an international organization for the United  
10 States share of interest costs made known to the United  
11 States Government by such organization for loans in-  
12 curred on or after October 1, 1984, through external bor-  
13 rowings.

14 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

15 ACTIVITIES

16 For necessary expenses to pay assessed and other ex-  
17 penses of international peacekeeping activities directed to  
18 the maintenance or restoration of international peace and  
19 security, \$2,126,382,000, of which 15 percent shall re-  
20 main available until September 30, 2012: *Provided*, That  
21 at least 15 days in advance of voting for a new or ex-  
22 panded mission in the United Nations Security Council  
23 (or in an emergency as far in advance as is practicable):  
24 (1) the Committees on Appropriations shall be notified of  
25 the estimated cost and length of the mission, the national

1 interest that will be served, the planned exit strategy, and  
2 that the United Nations has taken appropriate measures  
3 to prevent United Nations employees, contractor per-  
4 sonnel, and peacekeeping forces serving in the mission  
5 from trafficking in persons, exploiting victims of traf-  
6 ficking, or committing acts of illegal sexual exploitation,  
7 and to hold accountable individuals who engage in such  
8 acts while participating in the peacekeeping mission, in-  
9 cluding the prosecution in their home countries of such  
10 individuals in connection with such acts; and (2) notifica-  
11 tion pursuant to section 7015 of this Act is submitted,  
12 and the procedures therein followed, setting forth the  
13 source of funds that will be used to pay for the cost of  
14 the new or expanded mission: *Provided further*, That none  
15 of the funds appropriated by this Act may be made avail-  
16 able as a United States contribution for a peacekeeping  
17 mission of the United Nations, unless the Secretary of  
18 State certifies to the Committees on Appropriations that  
19 the United Nations or the countries contributing peace-  
20 keeping troops have effective procedures to vet prospective  
21 troops to ensure that they have not been credibly alleged  
22 to have committed gross violations of internationally rec-  
23 ognized human rights: *Provided further*, That the Sec-  
24 retary may waive the prohibition in the previous proviso  
25 if the Secretary certifies to the Committees on Appropria-

1 tions that to do so is important to the national interests  
2 of the United States and reports to the Committees on  
3 actions being taken by the Department of State, the  
4 United Nations, and troop contributing countries to estab-  
5 lish such procedures.

6                                   INTERNATIONAL COMMISSIONS

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

10       INTERNATIONAL BOUNDARY AND WATER COMMISSION,

11                                   UNITED STATES AND MEXICO

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

17                                   SALARIES AND EXPENSES

18           For salaries and expenses, not otherwise provided for,  
19 \$47,431,000.

20                                   CONSTRUCTION

21           For detailed plan preparation and construction of au-  
22 thorized projects, \$26,900,000, to remain available until  
23 expended, as authorized.

## 1 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

2 For necessary expenses, not otherwise provided, for  
3 the International Joint Commission and the International  
4 Boundary Commission, United States and Canada, as au-  
5 thorized by treaties between the United States and Can-  
6 ada or Great Britain, and the Border Environment Co-  
7 operation Commission as authorized by Public Law 103-  
8 182, \$12,655,000: *Provided*, That of the amount provided  
9 under this heading for the International Joint Commis-  
10 sion, \$9,000 may be made available for representation ex-  
11 penses.

## 12 INTERNATIONAL FISHERIES COMMISSIONS

13 For necessary expenses for international fisheries  
14 commissions, not otherwise provided for, as authorized by  
15 law, \$51,500,000: *Provided*, That the United States share  
16 of such expenses may be advanced to the respective com-  
17 missions pursuant to 31 U.S.C. 3324: *Provided further*,  
18 That in addition to other funds available for such pur-  
19 poses, funds available under this heading may be used to  
20 make payments necessary to fulfill the United States' obli-  
21 gations under the Pacific Salmon Treaty.

1                                 RELATED AGENCY  
2                                 BROADCASTING BOARD OF GOVERNORS  
3                                 INTERNATIONAL BROADCASTING OPERATIONS  
4             For necessary expenses to enable the Broadcasting  
5 Board of Governors, as authorized, to carry out inter-  
6 national communication activities, including the purchase,  
7 rent, construction, and improvement of facilities for radio  
8 and television transmission and reception and purchase,  
9 lease, and installation of necessary equipment for radio  
10 and television transmission and reception to Cuba, and to  
11 make and supervise grants for radio and television broad-  
12 casting to the Middle East, \$743,925,000: *Provided*, That  
13 of the total amount in this heading, not to exceed \$16,000  
14 may be used for official receptions within the United  
15 States as authorized, not to exceed \$35,000 may be used  
16 for representation abroad as authorized, and not to exceed  
17 \$39,000 may be used for official reception and representa-  
18 tion expenses of Radio Free Europe/Radio Liberty: *Pro-*  
19 *vided further*, That the authority provided by section  
20 504(c) of the Foreign Relations Authorization Act, Fiscal  
21 Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note)  
22 shall remain in effect through September 30, 2011: *Pro-*  
23 *vided further*, That the authority provided by section  
24 309(f) of the United States International Broadcasting  
25 Act of 1994 (22 U.S.C. 6208(f)) is amended by striking



1 “September 30, 2010” and inserting “September 30,  
2 2011”: *Provided further*, That in addition to funds made  
3 available under this heading, and notwithstanding any  
4 other provision of law, up to \$2,000,000 in receipts from  
5 advertising and revenue from business ventures, up to  
6 \$500,000 in receipts from cooperating international orga-  
7 nizations, and up to \$1,000,000 in receipts from privatiza-  
8 tion efforts of the Voice of America and the International  
9 Broadcasting Bureau, to remain available until expended  
10 for carrying out authorized purposes.

11                   BROADCASTING CAPITAL IMPROVEMENTS

12       For the purchase, rent, construction, and improve-  
13 ment of facilities for radio and television transmission and  
14 reception, and purchase and installation of necessary  
15 equipment for radio and television transmission and recep-  
16 tion as authorized, \$6,875,000, to remain available until  
17 expended, as authorized.

18                   RELATED PROGRAMS

19                   THE ASIA FOUNDATION

20       For a grant to The Asia Foundation, as authorized  
21 by The Asia Foundation Act (22 U.S.C. 4402),  
22 \$19,000,000, to remain available until expended, as au-  
23 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, \$44,050,000, to remain available until Sep-  
5 tember 30, 2012, which shall not be used for construction-  
6 related 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, the total amount  
11 of the interest and earnings accruing to such Fund on or  
12 before September 30, 2011, to remain available until ex-  
13 pended.

## 14 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

15 For necessary expenses of Eisenhower Exchange Fel-  
16 lowships, Incorporated, as authorized by sections 4 and  
17 5 of the Eisenhower Exchange Fellowship Act of 1990 (20  
18 U.S.C. 5204–5205), all interest and earnings accruing to  
19 the Eisenhower Exchange Fellowship Program Trust  
20 Fund on or before September 30, 2011, to remain avail-  
21 able until expended: *Provided*, That none of the funds ap-  
22 propriated herein shall be used to pay any salary or other  
23 compensation, or to enter into any contract providing for  
24 the payment thereof, in excess of the rate authorized by  
25 5 U.S.C. 5376; or for purposes which are not in accord-

1 ance with OMB Circulars A-110 (Uniform Administrative  
2 Requirements) and A-122 (Cost Principles for Non-profit  
3 Organizations), including the restrictions on compensation  
4 for personal services.

5 ISRAELI ARAB SCHOLARSHIP PROGRAM

6 For necessary expenses of the Israeli Arab Scholar-  
7 ship Program, as authorized by section 214 of the Foreign  
8 Relations Authorization Act, Fiscal Years 1992 and 1993  
9 (22 U.S.C. 2452), all interest and earnings accruing to  
10 the Israeli Arab Scholarship Fund on or before September  
11 30, 2011, to remain available until expended.

12 EAST-WEST CENTER

13 To enable the Secretary of State to provide for car-  
14 rying out the provisions of the Center for Cultural and  
15 Technical Interchange Between East and West Act of  
16 1960, by grant to the Center for Cultural and Technical  
17 Interchange Between East and West in the State of Ha-  
18 waii, \$23,100,000: *Provided*, That none of the funds ap-  
19 propriated herein shall be used to pay any salary, or enter  
20 into any contract providing for the payment thereof, in  
21 excess of the rate authorized by 5 U.S.C. 5376.

22 NATIONAL ENDOWMENT FOR DEMOCRACY

23 For grants made by the Department of State to the  
24 National Endowment for Democracy, as authorized by the  
25 National Endowment for Democracy Act, \$125,000,000,

1 to remain available until expended, of which \$105,000,000  
 2 shall be allocated in the traditional and customary man-  
 3 ner, including for the core institutes, and \$20,000,000  
 4 shall be for democracy, human rights, and rule of law pro-  
 5 grams: *Provided*, That the President of the National En-  
 6 dowment for Democracy shall submit to the Committees  
 7 on Appropriations not later than 45 days after the date  
 8 of enactment of this Act a report on the proposed uses  
 9 of funds under this heading on a regional and country  
 10 basis.

11   OTHER COMMISSIONS

12       COMMISSION FOR THE PRESERVATION OF AMERICA’S

13   HERITAGE ABROAD

14   SALARIES AND EXPENSES

15       For necessary expenses for the Commission for the  
 16 Preservation of America’s Heritage Abroad, \$647,000, as  
 17 authorized by section 1303 of Public Law 99–83.

18       UNITED STATES COMMISSION ON INTERNATIONAL

19   RELIGIOUS FREEDOM

20   SALARIES AND EXPENSES

21       For necessary expenses for the United States Com-  
 22 mission on International Religious Freedom, as authorized  
 23 by title II of the International Religious Freedom Act of  
 24 1998 (Public Law 105–292), \$4,300,000, to remain avail-  
 25 able until September 30, 2012.

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

4 For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, \$2,715,000, to remain available until September 30, 2012.

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

11 For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$2,000,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2012.

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

19 For necessary expenses of the United States-China Economic and Security Review Commission, \$3,500,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2012: *Provided*, That the terms and conditions under this heading in division F of Public Law 111–117 shall apply to funds appropriated under this heading 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 \$1,412,500,000, of which up to \$160,000,000 may remain  
10 available until September 30, 2012: *Provided*, That none  
11 of the funds appropriated under this heading and under  
12 the heading “Capital Investment Fund” in this Act may  
13 be made available to finance the construction (including  
14 architect and engineering services), purchase, or long-term  
15 lease of offices for use by the United States Agency for  
16 International Development (USAID), unless the USAID  
17 Administrator has identified such proposed construction  
18 (including architect and engineering services), purchase,  
19 or long-term lease of offices in a report submitted to the  
20 Committees on Appropriations at least 15 days prior to  
21 the obligation of funds for such purposes: *Provided fur-*  
22 *ther*, That the previous proviso shall not apply when the  
23 total cost of construction (including architect and engi-  
24 neering services), purchase, or long-term lease of offices  
25 does not exceed \$1,000,000: *Provided further*, That of the

1 funds appropriated under this heading that are available  
2 for capital investments related to the Development Lead-  
3 ership Initiative, up to \$38,000,000 may remain available  
4 until September 30, 2014: *Provided further*, That con-  
5 tracts or agreements entered into with funds appropriated  
6 under this heading may entail commitments for the ex-  
7 penditure of such funds through the following fiscal year:  
8 *Provided further*, That any decision to open a new USAID  
9 overseas mission or office or, except where there is a sub-  
10 stantial security risk to mission personnel, to close or sig-  
11 nificantly reduce the number of personnel of any such mis-  
12 sion or office, shall be subject to the regular notification  
13 procedures of the Committees on Appropriations: *Provided*  
14 *further*, That the authority of sections 610 and 109 of the  
15 Foreign Assistance Act of 1961 may be exercised by the  
16 Secretary of State to transfer funds appropriated to carry  
17 out chapter 1 of part I of such Act to “Operating Ex-  
18 penses” in accordance with the provisions of those sec-  
19 tions: *Provided further*, That any reprogramming of funds  
20 in excess of \$1,000,000 or 10 percent, whichever is less,  
21 to the cost categories in the table included under this  
22 heading in the report accompanying this Act for funds ap-  
23 propriated under this heading, shall be subject to the reg-  
24 ular notification procedures of the Committees on Appro-  
25 priations: *Provided further*, That of the funds appropriated

1 or made available under this heading, not to exceed  
2 \$250,000 may be available for representation and enter-  
3 tainment allowances, of which not to exceed \$5,000 may  
4 be available for entertainment allowances, for USAID dur-  
5 ing the current fiscal year: *Provided further*, That no such  
6 entertainment funds may be used for the purposes listed  
7 in section 7020 of this Act: *Provided further*, That appro-  
8 priate steps shall be taken to assure that, to the maximum  
9 extent possible, United States-owned foreign currencies  
10 are utilized in lieu of dollars.

11 CAPITAL INVESTMENT FUND

12 For necessary expenses for overseas construction and  
13 related costs, and for the procurement and enhancement  
14 of information technology and related capital investments,  
15 pursuant to section 667 of the Foreign Assistance Act of  
16 1961, \$173,000,000, to remain available until expended,  
17 of which not more than \$122,100,000 may be made avail-  
18 able for the purpose of implementing the Capital Security  
19 Cost-Sharing Program: *Provided*, That this amount is in  
20 addition to funds otherwise available for such purposes:  
21 *Provided further*, That funds appropriated under this  
22 heading shall be available for obligation only pursuant to  
23 the regular notification procedures of the Committees on  
24 Appropriations.



## 1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses to carry out the provisions  
3 of section 667 of the Foreign Assistance Act of 1961,  
4 \$46,500,000, to remain available until September 30,  
5 2012, which sum shall be available for the Office of In-  
6 spector General of the United States Agency for Inter-  
7 national Development.

## 8 TITLE III

## 9 BILATERAL ECONOMIC ASSISTANCE

## 10 FUNDS APPROPRIATED TO THE PRESIDENT

11 For necessary expenses to enable the President to  
12 carry out the provisions of the Foreign Assistance Act of  
13 1961, and for other purposes, to remain available until  
14 September 30, 2012, unless otherwise specified herein, as  
15 follows:

## 16 GLOBAL HEALTH AND CHILD SURVIVAL

## 17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions  
19 of chapters 1 and 10 of part I of the Foreign Assistance  
20 Act of 1961, for global health activities, in addition to  
21 funds otherwise available for such purposes,  
22 \$2,739,000,000, which shall be apportioned directly to the  
23 United States Agency for International Development  
24 (USAID): *Provided*, That this amount shall be avail-  
25 able for training, equipment, and technical assistance to

1 build the capacity of public health institutions and organi-  
2 zations in developing countries, and for such activities as:  
3 (1) child survival and maternal health programs; (2) im-  
4 munization and oral rehydration programs; (3) other  
5 health, nutrition, water and sanitation programs which di-  
6 rectly address the needs of mothers and children, and re-  
7 lated education programs; (4) assistance for children dis-  
8 placed or orphaned by causes other than AIDS; (5) pro-  
9 grams for the prevention, treatment, control of, and re-  
10 search on HIV/AIDS, tuberculosis, polio, malaria, and  
11 other infectious diseases including neglected tropical dis-  
12 eases, and for assistance to communities severely affected  
13 by HIV/AIDS, including children infected or affected by  
14 AIDS; and (6) family planning/reproductive health: *Pro-*  
15 *vided further*, That none of the funds made available in  
16 this Act nor any unobligated balances from prior appro-  
17 priations Acts may be made available to any organization  
18 or program which, as determined by the President of the  
19 United States, supports or participates in the manage-  
20 ment of a program of coercive abortion or involuntary  
21 sterilization: *Provided further*, That any determination  
22 made under the previous proviso must be accompanied by  
23 the evidence and criteria utilized to make the determina-  
24 tion: *Provided further*, That none of the funds made avail-  
25 able in this Act may be used to pay for the performance

1 of abortion as a method of family planning or to motivate  
2 or coerce any person to practice abortions: *Provided fur-*  
3 *ther*, That nothing in this paragraph shall be construed  
4 to alter any existing statutory prohibitions against abor-  
5 tion under section 104 of the Foreign Assistance Act of  
6 1961: *Provided further*, That none of the funds made  
7 available under this Act may be used to lobby for or  
8 against abortion: *Provided further*, That the ninth and  
9 tenth provisos under this heading in the Consolidated Ap-  
10 propriations Act, 2010 (Public Law 111–117) shall apply  
11 to funds appropriated under this heading in this Act: *Pro-*  
12 *vided further*, That for purposes of this or any other Act  
13 authorizing or appropriating funds for the Department of  
14 State, foreign operations, and related programs, the term  
15 “motivate”, as it relates to family planning assistance,  
16 shall not be construed to prohibit the provision, consistent  
17 with local law, of information or counseling about all preg-  
18 nancy options.

19 In addition, for necessary expenses to carry out the  
20 provisions of the Foreign Assistance Act of 1961 for the  
21 prevention, treatment, and control of, and research on,  
22 HIV/AIDS, \$5,500,000,000, to remain available until ex-  
23 pended, and which shall be apportioned directly to the De-  
24 partment of State: *Provided*, That of the funds appro-  
25 priated under this paragraph, not less than \$800,000,000

1 shall be made available, notwithstanding any other provi-  
2 sion of law, except for the United States Leadership  
3 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003  
4 (Public Law 108–25), as amended, for a United States  
5 contribution to the Global Fund to Fight AIDS, Tuber-  
6 culosis and Malaria, and shall be expended at the min-  
7 imum rate necessary to make timely payment for projects  
8 and activities: *Provided further*, That up to 5 percent of  
9 the aggregate amount of funds made available to the Glob-  
10 al Fund in fiscal year 2011 may be made available to  
11 USAID for technical assistance related to the activities of  
12 the Global Fund: *Provided further*, That of the funds ap-  
13 propriated under this paragraph, up to \$14,250,000 may  
14 be made available, in addition to amounts otherwise avail-  
15 able for such purposes, for administrative expenses of the  
16 Office of the United States Global AIDS Coordinator.

17 DEVELOPMENT ASSISTANCE

18 For necessary expenses to carry out the provisions  
19 of sections 103, 105, 106, and sections 251 through 255,  
20 and chapter 10 of part I of the Foreign Assistance Act  
21 of 1961, \$2,779,900,000: *Provided*, That the funds appro-  
22 priated under this heading shall be made available in ac-  
23 cordance with the requirements of sections 7055 and 7056  
24 of this Act: *Provided further*, That relevant bureaus and  
25 offices of the United States Agency for International De-

1 velopment (USAID) that support cross-cutting develop-  
2 ment programs shall coordinate such programs on a reg-  
3 ular basis: *Provided further*, That funds made available in  
4 this Act for agriculture and food security programs may  
5 be made available notwithstanding any other provision of  
6 law to address critical food shortages: *Provided further*,  
7 That the USAID Administrator should provide greater ac-  
8 cess to funds for grants and cooperative agreements for  
9 private voluntary organizations and cooperatives to carry  
10 out agriculture, rural development and related programs  
11 authorized under the Foreign Assistance Act of 1961.

12 INTERNATIONAL DISASTER ASSISTANCE

13 For necessary expenses to carry out the provisions  
14 of section 491 of the Foreign Assistance Act of 1961 for  
15 international disaster relief, rehabilitation, and recon-  
16 struction assistance, \$861,000,000, to remain available  
17 until expended.

18 TRANSITION INITIATIVES

19 For necessary expenses for international disaster re-  
20 habilitation and reconstruction assistance pursuant to sec-  
21 tion 491 of the Foreign Assistance Act of 1961,  
22 \$57,000,000, to remain available until expended, to sup-  
23 port transition to democracy and to sustainable develop-  
24 ment of countries in crisis: *Provided*, That such support  
25 may include assistance to support democratic institutions

1 and processes, revitalize basic infrastructure, and foster  
2 the peaceful resolution of conflict: *Provided further*, That  
3 the United States Agency for International Development  
4 shall submit a report to the Committees on Appropriations  
5 at least 5 days prior to beginning a new program of assist-  
6 ance: *Provided further*, That if the Secretary of State de-  
7 termines that it is important to the national interests of  
8 the United States to provide transition assistance in ex-  
9 cess of the amount appropriated under this heading, up  
10 to \$15,000,000 of the funds appropriated by this Act to  
11 carry out the provisions of part I of the Foreign Assist-  
12 ance Act of 1961 may be used for purposes of this heading  
13 and under the authorities applicable to funds appropriated  
14 under this heading: *Provided further*, That funds made  
15 available pursuant to the previous proviso shall be made  
16 available subject to prior consultation with the Committees  
17 on Appropriations.

18 **COMPLEX CRISES FUND**

19 For necessary expenses to carry out the provisions  
20 of the Foreign Assistance Act of 1961 to enable the Ad-  
21 ministrator of the United States Agency for International  
22 Development (USAID) and the Secretary of State to sup-  
23 port programs and activities to prevent or respond to  
24 emerging or unforeseen complex crises overseas,  
25 \$57,000,000, to remain available until expended: *Pro-*

1 *vided*, That funds appropriated under this heading may  
2 be made available on such terms and conditions as the  
3 USAID Administrator and the Secretary may determine,  
4 in consultation with the Committees on Appropriations,  
5 for the purposes of preventing or responding to such cri-  
6 ses, except that no funds shall be made available to re-  
7 spond to natural disasters: *Provided further*, That the  
8 USAID Administrator may furnish assistance under this  
9 heading notwithstanding any other provision of law, except  
10 sections 7007, 7008, and 7034(q) of this Act and sections  
11 104(f) and 620J of the Foreign Assistance Act of 1961:  
12 *Provided further*, That funds appropriated under this  
13 heading shall be subject to the regular notification proce-  
14 dures of the Committees on Appropriations, except that  
15 such notifications shall be transmitted at least 5 days in  
16 advance of the obligation of funds: *Provided further*, That  
17 the provisions of section 7015(e) of this Act shall apply  
18 to funds made available under this heading.

19 DEVELOPMENT CREDIT AUTHORITY

20 (INCLUDING TRANSFER OF FUNDS)

21 For the cost of direct loans and loan guarantees pro-  
22 vided by the United States Agency for International De-  
23 velopment, as authorized by sections 256 and 635 of the  
24 Foreign Assistance Act of 1961, up to \$35,000,000 may  
25 be derived by transfer from funds appropriated by this Act

1 to carry out part I of such Act and under the heading  
2 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*  
3 *vided*, That funds provided under this paragraph and  
4 funds provided as a gift pursuant to section 635(d) of the  
5 Foreign Assistance Act of 1961 shall be made available  
6 only for micro and small enterprise programs, urban pro-  
7 grams, and other programs which further the purposes of  
8 part I of such Act: *Provided further*, That such costs, in-  
9 cluding the cost of modifying such direct and guaranteed  
10 loans, shall be as defined in section 502 of the Congres-  
11 sional Budget Act of 1974, as amended: *Provided further*,  
12 That funds made available by this paragraph may be used  
13 for the cost of modifying any such guaranteed loans under  
14 this Act or prior Acts, and funds used for such costs shall  
15 be subject to the regular notification procedures of the  
16 Committees on Appropriations: *Provided further*, That the  
17 provisions of section 107A(d) (relating to general provi-  
18 sions applicable to the Development Credit Authority) of  
19 the Foreign Assistance Act of 1961, as contained in sec-  
20 tion 306 of H.R. 1486 as reported by the House Com-  
21 mittee on International Relations on May 9, 1997, shall  
22 be applicable to direct loans and loan guarantees provided  
23 under this heading: *Provided further*, That these funds are  
24 available to subsidize total loan principal, any portion of  
25 which is to be guaranteed, of up to \$1,000,000,000.



1           In addition, for administrative expenses to carry out  
2 credit programs administered by USAID, \$8,300,000,  
3 which may be paid to the appropriation for “Operating  
4 Expenses” in title II of this Act: *Provided*, That funds  
5 made available under this heading shall remain available  
6 until September 30, 2013.

7   ECONOMIC SUPPORT FUND

8   (INCLUDING TRANSFER OF FUNDS)

9           For necessary expenses to carry out the provisions  
10 of chapter 4 of part II of the Foreign Assistance Act of  
11 1961, \$7,157,000,000: *Provided*, That of the funds appro-  
12 priated under this heading, \$250,000,000 shall be avail-  
13 able only for assistance for Egypt, which sum shall be pro-  
14 vided on a grant basis, and of which sum direct budget  
15 support shall be provided with the understanding that the  
16 Government of Egypt will undertake significant economic  
17 and democratic reforms which are additional to those  
18 which were undertaken in previous fiscal years, including  
19 making significant efforts to respect due process and the  
20 rights of its citizens to peaceful expression and associa-  
21 tion: *Provided further*, That of the funds appropriated  
22 under this heading for assistance for Egypt, not less than  
23 \$20,000,000 shall be made available for democracy,  
24 human rights and governance programs, and not less than  
25 \$35,000,000 shall be made available for education pro-

1 grams, of which not less than \$10,000,000 is for scholar-  
2 ships for Egyptian students with high financial need: *Pro-*  
3 *vided further*, That of the funds appropriated under this  
4 heading, not more than \$400,400,000 may be made avail-  
5 able for assistance for the West Bank and Gaza, except  
6 that up to an additional \$9,300,000 may be made avail-  
7 able for such assistance from funds appropriated for the  
8 Middle East Partnership Initiative: *Provided further*, That  
9 funds appropriated under this heading that are made  
10 available for assistance for Cyprus shall be used only for  
11 scholarships, administrative support of the scholarship  
12 program, bicommunal projects, and measures aimed at re-  
13 unification of the island and designed to reduce tensions  
14 and promote peace and cooperation between the two com-  
15 munities on Cyprus: *Provided further*, That \$12,000,000  
16 of the funds made available for assistance for Lebanon  
17 under this heading shall be for scholarships for students  
18 with high financial need at educational institutions in Leb-  
19 anon that meet standards similar to those required for  
20 American accreditation: *Provided further*, That of the  
21 funds appropriated under this heading, not less than  
22 \$360,000,000 shall be made available only for assistance  
23 for Jordan: *Provided further*, That of the funds appro-  
24 priated under this heading, \$195,000,000 shall be appor-  
25 tioned directly to USAID for alternative development/in-

1 stitution building programs in Colombia: *Provided further*,  
2 That of the funds appropriated under this heading that  
3 are available for assistance for Colombia, not less than  
4 \$9,000,000 shall be transferred to, and merged with,  
5 funds appropriated under the heading “Migration and  
6 Refugee Assistance” and shall be made available only for  
7 assistance to nongovernmental and international organiza-  
8 tions that provide assistance to Colombian refugees in  
9 neighboring countries: *Provided further*, That funds appro-  
10 priated by this Act may be made available for bilateral  
11 environmental programs, and Asian regional programs  
12 that may include countries ineligible for United States as-  
13 sistance, notwithstanding any other provision of law, and  
14 subject to prior consultation with, and the regular notifica-  
15 tion procedures of, the Committees on Appropriations.

16 DEMOCRACY FUND

17 For necessary expenses to carry out the provisions  
18 of the Foreign Assistance Act of 1961 for the promotion  
19 of democracy globally, \$110,000,000, of which  
20 \$75,000,000 shall be made available for the Human  
21 Rights and Democracy Fund of the Bureau of Democracy,  
22 Human Rights and Labor, Department of State, and  
23 \$35,000,000 shall be made available for the Office of De-  
24 mocracy and Governance of the Bureau for Democracy,

1 Conflict, and Humanitarian Assistance, United States  
2 Agency for International Development.

3 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

4 For necessary expenses to carry out the provisions  
5 of the Foreign Assistance Act of 1961, the FREEDOM  
6 Support Act, and the Support for East European Democ-  
7 racy (SEED) Act of 1989, \$715,000,000, which shall be  
8 available, notwithstanding any other provision of law, for  
9 assistance and for related programs for countries identi-  
10 fied in section 3 of the FREEDOM Support Act and sec-  
11 tion 3(c) of the SEED Act: *Provided*, That funds appro-  
12 priated under this heading shall be considered to be eco-  
13 nomic assistance under the Foreign Assistance Act of  
14 1961 for purposes of making available the administrative  
15 authorities contained in that Act for the use of economic  
16 assistance: *Provided further*, That notwithstanding any  
17 provision of this or any other Act, funds appropriated in  
18 prior years under the headings “Independent States of the  
19 Former Soviet Union” and similar headings and “Assist-  
20 ance for Eastern Europe and the Baltic States” and simi-  
21 lar headings, and currencies generated by or converted  
22 from such funds, shall be available for use in any country  
23 for which funds are made available under this heading  
24 without regard to the geographic limitations of the head-  
25 ing under which such funds were originally appropriated:

1 *Provided further*, That funds made available for the South-  
2 ern Caucasus region may be used for confidence-building  
3 measures and other activities in furtherance of the peace-  
4 ful resolution of conflicts: *Provided further*, That of the  
5 funds appropriated under this heading, not less than  
6 \$8,500,000 shall be made available for humanitarian, con-  
7 flict mitigation, human rights, civil society, and relief and  
8 reconstruction assistance for the North Caucasus.

9 DEPARTMENT OF STATE

10 MIGRATION AND REFUGEE ASSISTANCE

11 For necessary expenses, not otherwise provided for,  
12 to enable the Secretary of State to provide, as authorized  
13 by law, a contribution to the International Committee of  
14 the Red Cross, assistance to refugees and internally dis-  
15 placed persons, including contributions to the Inter-  
16 national Organization for Migration and the United Na-  
17 tions High Commissioner for Refugees, and other activi-  
18 ties to meet refugee and migration needs; salaries and ex-  
19 penses of personnel and dependents as authorized by the  
20 Foreign Service Act of 1980; allowances as authorized by  
21 sections 5921 through 5925 of title 5, United States Code;  
22 purchase and hire of passenger motor vehicles; and serv-  
23 ices as authorized by section 3109 of title 5, United States  
24 Code, \$1,695,000,000, to remain available until expended,  
25 of which \$25,000,000 shall be made available for refugees

1 resettling in Israel, and not less than \$35,000,000 shall  
2 be made available to respond to small-scale emergency hu-  
3 manitarian requirements of international and nongovern-  
4 mental partners: *Provided*, That not later than 90 days  
5 after enactment of this Act, the Secretary of State and  
6 the Administrator of the United States Agency for Inter-  
7 national Development shall develop a memorandum of un-  
8 derstanding detailing the roles and responsibilities of each  
9 agency for funding and oversight to ensure maximum co-  
10 ordination of responses to internal displacement.

11 UNITED STATES EMERGENCY REFUGEE AND MIGRATION  
12 ASSISTANCE FUND

13 For necessary expenses to carry out the provisions  
14 of section 2(c) of the Migration and Refugee Assistance  
15 Act of 1962, as amended (22 U.S.C. 2601(c)),  
16 \$45,000,000, to remain available until expended: *Pro-*  
17 *vided*, That section 2(c) of the Migration and Refugee As-  
18 sistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended  
19 in paragraph (1) by striking “President” and inserting  
20 “Secretary of State” and in paragraph (2) by striking  
21 “\$100,000,000” and inserting “\$200,000,000”.

## 1 INDEPENDENT AGENCIES

## 2 PEACE CORPS

## 3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out the provisions  
5 of the Peace Corps Act (22 U.S.C. 2501–2523), including  
6 the purchase of not to exceed five passenger motor vehicles  
7 for administrative purposes for use outside of the United  
8 States, \$420,150,000: *Provided*, That the Director of the  
9 Peace Corps may transfer to the Foreign Currency Fluc-  
10 tuations Account, as authorized by 22 U.S.C. 2515, an  
11 amount not to exceed \$5,000,000: *Provided further*, That  
12 funds transferred pursuant to the previous proviso may  
13 not be derived from amounts made available for Peace  
14 Corps overseas operations: *Provided further*, That of the  
15 funds appropriated under this heading, not to exceed  
16 \$4,000 may be made available for entertainment expenses:  
17 *Provided further*, That not later than 45 days after enact-  
18 ment of this Act, the Director shall submit a spending  
19 plan to the Committees on Appropriations on the proposed  
20 uses of funds under this heading: *Provided further*, That  
21 none of the funds appropriated under this heading shall  
22 be used to pay for abortions.

1                   MILLENNIUM CHALLENGE CORPORATION  
2                   (INCLUDING TRANSFER OF FUNDS)

3           For necessary expenses to carry out the provisions  
4 of the Millennium Challenge Act of 2003, \$1,105,000,000  
5 to remain available until expended: *Provided*, That of the  
6 funds appropriated under this heading, up to  
7 \$105,000,000 may be available for administrative ex-  
8 penses of the Millennium Challenge Corporation (the Cor-  
9 poration): *Provided further*, That up to 10 percent of the  
10 funds appropriated under this heading may be made avail-  
11 able to carry out the purposes of section 616 of the Millen-  
12 nium Challenge Act of 2003 for fiscal year 2011: *Provided*  
13 *further*, That section 605(e)(4) of the Millennium Chal-  
14 lenge Act of 2003 shall apply to funds appropriated under  
15 this heading: *Provided further*, That funds appropriated  
16 under this heading may be made available for a Millen-  
17 nium Challenge Compact entered into pursuant to section  
18 609 of the Millennium Challenge Act of 2003 only if such  
19 Compact obligates, or contains a commitment to obligate  
20 subject to the availability of funds and the mutual agree-  
21 ment of the parties to the Compact to proceed, the entire  
22 amount of the United States Government funding antici-  
23 pated for the duration of the Compact: *Provided further*,  
24 That the Chief Executive Officer of the Corporation shall  
25 notify the Committees on Appropriations not later than



1 15 days prior to signing any new country compact or new  
2 threshold country program; terminating or suspending any  
3 country compact or threshold country program; or com-  
4 mencing negotiations for any new compact or threshold  
5 country program: *Provided further*, That funds appro-  
6 priated by this Act or any prior Act appropriating funds  
7 for the Department of State, foreign operations, and re-  
8 lated programs that are made available for a Millennium  
9 Challenge Compact and that are suspended or terminated  
10 by the Chief Executive Officer of the Corporation shall  
11 be subject to the regular notification procedures of the  
12 Committees on Appropriations prior to re-obligation: *Pro-*  
13 *vided further*, That the terms and conditions of section  
14 1105(c) of Public Law 111–32 shall apply to funds appro-  
15 priated under this heading: *Provided further*, That of the  
16 funds appropriated under this heading, not to exceed  
17 \$100,000 may be available for representation and enter-  
18 tainment allowances, of which not to exceed \$5,000 may  
19 be available for entertainment allowances.

20 INTER-AMERICAN FOUNDATION

21 For necessary expenses to carry out the functions of  
22 the Inter-American Foundation in accordance with the  
23 provisions of section 401 of the Foreign Assistance Act  
24 of 1969, \$25,000,000: *Provided*, That of the funds appro-

1 priated under this heading, not to exceed \$2,000 may be  
2 available for entertainment and representation allowances.

3 AFRICAN DEVELOPMENT FOUNDATION

4 For necessary expenses to carry out title V of the  
5 International Security and Development Cooperation Act  
6 of 1980 (Public Law 96-533), \$30,500,000: *Provided*,  
7 That funds made available to grantees may be invested  
8 pending expenditure for project purposes when authorized  
9 by the Board of Directors of the Foundation: *Provided fur-*  
10 *ther*, That interest earned shall be used only for the pur-  
11 poses for which the grant was made: *Provided further*,  
12 That notwithstanding section 505(a)(2) of the African De-  
13 velopment Foundation Act, in exceptional circumstances  
14 the Board of Directors of the Foundation may waive the  
15 \$250,000 limitation contained in that section with respect  
16 to a project and a project may exceed the limitation by  
17 up to 10 percent if the increase is due solely to foreign  
18 currency fluctuation: *Provided further*, That the Founda-  
19 tion shall provide a report to the Committees on Appro-  
20 priations after each time such waiver authority is exer-  
21 cised.

22 DEPARTMENT OF THE TREASURY

23 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

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

1 \$33,000,000, which shall be available notwithstanding any  
2 other provision of law.

3 DEBT RESTRUCTURING

4 For the cost, as defined in section 502 of the Con-  
5 gressional Budget Act of 1974, of modifying loans and  
6 loan guarantees, as the President may determine, for  
7 which funds have been appropriated or otherwise made  
8 available for programs within the International Affairs  
9 Budget Function 150, including the cost of selling, reduc-  
10 ing, or canceling amounts owed to the United States as  
11 a result of concessional loans made to eligible countries,  
12 pursuant to parts IV and V of the Foreign Assistance Act  
13 of 1961, of modifying concessional credit agreements with  
14 least developed countries, as authorized under section 411  
15 of the Agricultural Trade Development and Assistance Act  
16 of 1954, as amended, of concessional loans, guarantees  
17 and credit agreements, as authorized under section 572  
18 of the Foreign Operations, Export Financing, and Related  
19 Programs Appropriations Act, 1989 (Public Law 100-  
20 461), and of canceling amounts owed, as a result of loans  
21 or guarantees made pursuant to the Export-Import Bank  
22 Act of 1945, by countries that are eligible for debt reduc-  
23 tion pursuant to title V of H.R. 3425 as enacted into law  
24 by section 1000(a)(5) of Public Law 106-113,  
25 \$56,000,000, to remain available until September 30,

1 2013: *Provided*, That not less than \$20,000,000 of the  
2 funds appropriated under this heading shall be made avail-  
3 able to carry out the provisions of part V of the Foreign  
4 Assistance Act of 1961: *Provided further*, That amounts  
5 paid to the Heavily Indebted Poor Countries (HIPC)  
6 Trust Fund may be used only to fund debt reduction  
7 under the enhanced HIPC initiative by—

- 8 (1) the Inter-American Development Bank;
- 9 (2) the African Development Fund;
- 10 (3) the African Development Bank; and
- 11 (4) the Central American Bank for Economic  
12 Integration:

13 *Provided further*, That funds may not be paid to the HIPC  
14 Trust Fund for the benefit of any country if the Secretary  
15 of State has credible evidence that the central government  
16 of such country is engaged in a consistent pattern of gross  
17 violations of internationally recognized human rights or in  
18 military or civil conflict that undermines its ability to de-  
19 velop and implement measures to alleviate poverty and to  
20 devote adequate human and financial resources to that  
21 end: *Provided further*, That on the basis of final appropria-  
22 tions, the Secretary of the Treasury shall consult with the  
23 Committees on Appropriations concerning which countries  
24 and international financial institutions are expected to  
25 benefit from a United States contribution to the HIPC

1 Trust Fund during the fiscal year: *Provided further*, That  
2 the Secretary of the Treasury shall notify the Committees  
3 on Appropriations not less than 15 days in advance of the  
4 signature of an agreement by the United States to make  
5 payments to the HIPC Trust Fund of amounts for such  
6 countries and institutions: *Provided further*, That the Sec-  
7 retary of the Treasury may disburse funds designated for  
8 debt reduction through the HIPC Trust Fund only for the  
9 benefit of countries that—

10           (1) have committed, for a period of 24 months,  
11           not to accept new market-rate loans from the inter-  
12           national financial institution receiving debt repay-  
13           ment as a result of such disbursement, other than  
14           loans made by such institutions to export-oriented  
15           commercial projects that generate foreign exchange  
16           which are generally referred to as “enclave” loans;  
17           and

18           (2) have documented and demonstrated their  
19           commitment to redirect their budgetary resources  
20           from international debt repayments to programs to  
21           alleviate poverty and promote economic growth that  
22           are additional to or expand upon those previously  
23           available for such purposes:

24 *Provided further*, That any limitation of subsection (e) of  
25 section 411 of the Agricultural Trade Development and

1 Assistance Act of 1954 shall not apply to funds appro-  
2 priated under this heading: *Provided further*, That none  
3 of the funds made available under this heading in this or  
4 any other appropriations Act shall be made available for  
5 Sudan or Burma unless the Secretary of the Treasury de-  
6 termines and notifies the Committees on Appropriations  
7 that a democratically elected government has taken office.

#### 8 TITLE IV

#### 9 INTERNATIONAL SECURITY ASSISTANCE

#### 10 DEPARTMENT OF STATE

#### 11 INTERNATIONAL NARCOTICS CONTROL AND LAW

#### 12 ENFORCEMENT

13 For necessary expenses to carry out section 481 of  
14 the Foreign Assistance Act of 1961, \$1,550,000,000, to  
15 remain available until September 30, 2012: *Provided*,  
16 That during fiscal year 2011, the Department of State  
17 may also use the authority of section 608 of the Foreign  
18 Assistance Act of 1961, without regard to its restrictions,  
19 to receive excess property from an agency of the United  
20 States Government for the purpose of providing it to a  
21 foreign country or international organization under chap-  
22 ter 8 of part I of that Act subject to the regular notifica-  
23 tion procedures of the Committees on Appropriations: *Pro-*  
24 *vided further*, That the Secretary of State shall provide  
25 to the Committees on Appropriations not later than 45

1 days after the date of the enactment of this Act and prior  
2 to the initial obligation of funds appropriated under this  
3 heading, a report on the proposed uses of all funds under  
4 this heading on a country-by-country basis for each pro-  
5 posed program, project, or activity: *Provided further*, That  
6 section 482(b) of the Foreign Assistance Act of 1961 shall  
7 not apply to funds appropriated under this heading: *Pro-*  
8 *vided further*, That assistance provided with funds appro-  
9 priated under this heading that is made available notwith-  
10 standing section 482(b) of the Foreign Assistance Act of  
11 1961 shall be made available subject to the regular notifi-  
12 cation procedures of the Committees on Appropriations:  
13 *Provided further*, That of the funds appropriated under  
14 this heading, \$5,000,000 should be made available to com-  
15 bat piracy of United States copyrighted materials, con-  
16 sistent with the requirements of section 688(a) and (b)  
17 of the Department of State, Foreign Operations, and Re-  
18 lated Programs Appropriations Act, 2008 (division J of  
19 Public Law 110–161).

20 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND  
21 RELATED PROGRAMS

22 For necessary expenses for nonproliferation, anti-ter-  
23 rorism, demining and related programs and activities,  
24 \$743,643,000, to carry out the provisions of chapter 8 of  
25 part II of the Foreign Assistance Act of 1961 for anti-

1 terrorism assistance, chapter 9 of part II of the Foreign  
2 Assistance Act of 1961, section 504 of the FREEDOM  
3 Support Act, section 23 of the Arms Export Control Act  
4 or the Foreign Assistance Act of 1961 for demining activi-  
5 ties, the clearance of unexploded ordnance, the destruction  
6 of small arms, and related activities, notwithstanding any  
7 other provision of law, including activities implemented  
8 through nongovernmental and international organizations,  
9 and section 301 of the Foreign Assistance Act of 1961  
10 for a voluntary contribution to the International Atomic  
11 Energy Agency, and for a United States contribution to  
12 the Comprehensive Nuclear Test Ban Treaty Preparatory  
13 Commission: *Provided*, That funds appropriated under  
14 this heading that are made available for the Nonprolifera-  
15 tion and Disarmament Fund may be made available, not-  
16 withstanding any other provision of law, to promote bilat-  
17 eral and multilateral activities relating to nonproliferation,  
18 disarmament and weapons of destruction: *Provided fur-*  
19 *ther*, That such funds shall be subject to prior consultation  
20 with, and the regular notification procedures of, the Com-  
21 mittees on Appropriations, and shall remain available until  
22 expended: *Provided further*, That such funds may also be  
23 used for such countries other than the Independent States  
24 of the former Soviet Union and international organiza-  
25 tions when it is in the national security interest of the



1 United States to do so: *Provided further*, That of the funds  
2 appropriated under this heading, not more than \$500,000  
3 may be made available for public-private partnerships for  
4 conventional weapons and mine action by grant, coopera-  
5 tive agreement or contract: *Provided further*, That of the  
6 funds made available for demining and related activities,  
7 not to exceed \$700,000, in addition to funds otherwise  
8 available for such purposes, may be used for administra-  
9 tive expenses related to the operation and management of  
10 the demining program: *Provided further*, That funds ap-  
11 propriated under this heading that are available for “Anti-  
12 terrorism Assistance” and “Export Control and Border  
13 Security” shall remain available until September 30,  
14 2012.

15 PEACEKEEPING OPERATIONS

16 For necessary expenses to carry out the provisions  
17 of section 551 of the Foreign Assistance Act of 1961,  
18 \$287,000,000: *Provided*, That funds appropriated under  
19 this heading may be used, notwithstanding section 660 of  
20 such Act, to provide assistance to enhance the capacity  
21 of foreign civilian security forces, including gendarmes, to  
22 participate in peacekeeping operations: *Provided further*,  
23 That of the funds appropriated under this heading, up to  
24 \$55,918,000 may be used to pay contributions for as-  
25 sessed expenses of the African Union Mission in Somalia

1 (AMISOM), except that such funds should not be made  
2 available unless the Secretary of State reports to the Com-  
3 mittees on Appropriations that AMISOM troops are tak-  
4 ing necessary precautions to avoid civilian casualties: *Pro-*  
5 *vided further*, That none of the funds appropriated under  
6 this heading should be used to support any military train-  
7 ing or operations that include child soldiers: *Provided fur-*  
8 *ther*, That of the funds appropriated under this heading,  
9 not less than \$26,000,000 shall be made available for a  
10 United States contribution to the Multinational Force and  
11 Observers mission in the Sinai: *Provided further*, That  
12 none of the funds appropriated under this heading shall  
13 be obligated or expended except as provided through the  
14 regular notification procedures of the Committees on Ap-  
15 propriations.

16 FUNDS APPROPRIATED TO THE PRESIDENT

17 INTERNATIONAL MILITARY EDUCATION AND TRAINING

18 For necessary expenses to carry out the provisions  
19 of section 541 of the Foreign Assistance Act of 1961,  
20 \$108,000,000, of which up to \$3,000,000 may remain  
21 available until expended and may only be provided through  
22 the regular notification procedures of the Committees on  
23 Appropriations: *Provided*, That the civilian personnel for  
24 whom military education and training may be provided  
25 under this heading may include civilians who are not mem-

1 bers of a government whose participation would contribute  
2 to improved civil-military relations, civilian control of the  
3 military, or respect for human rights: *Provided further,*  
4 That funds made available under this heading for assist-  
5 ance for Angola, Bangladesh, Cameroon, Central African  
6 Republic, Chad, Côte d'Ivoire, Democratic Republic of the  
7 Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia,  
8 Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only  
9 be provided through the regular notification procedures of  
10 the Committees on Appropriations and any such notifica-  
11 tion shall include a detailed description of proposed activi-  
12 ties: *Provided further,* That of the funds appropriated  
13 under this heading, not to exceed \$55,000 may be avail-  
14 able for entertainment allowances.

15 FOREIGN MILITARY FINANCING PROGRAM

16 For necessary expenses for grants to enable the  
17 President to carry out the provisions of section 23 of the  
18 Arms Export Control Act, \$5,435,000,000: *Provided,*  
19 That to expedite the provision of assistance to foreign  
20 countries and international organizations, the Secretary of  
21 State, following consultation with the Committees on Ap-  
22 propriations and subject to the regular notification proce-  
23 dures of such Committees, may use the funds appro-  
24 priated under this heading to procure defense articles and  
25 services to enhance the capacity of foreign security forces:

1 *Provided further*, That of the funds appropriated under  
2 this heading, not less than \$3,000,000,000 shall be avail-  
3 able for grants only for Israel, and not less than  
4 \$1,300,000,000 shall be made available for grants only for  
5 Egypt, including for border security programs and activi-  
6 ties in the Sinai: *Provided further*, That the funds appro-  
7 priated under this heading for assistance for Israel shall  
8 be disbursed within 30 days of the enactment of this Act:  
9 *Provided further*, That to the extent that the Government  
10 of Israel requests that funds be used for such purposes,  
11 grants made available for Israel under this heading shall,  
12 as agreed by the United States and Israel, be available  
13 for advanced weapons systems, of which not less than  
14 \$789,000,000 shall be available for the procurement in  
15 Israel of defense articles and defense services, including  
16 research and development: *Provided further*, That funds  
17 appropriated under this heading estimated to be outlayed  
18 for Egypt during fiscal year 2011 shall be transferred to  
19 an interest bearing account for Egypt in the Federal Re-  
20 serve Bank of New York within 30 days of enactment of  
21 this Act: *Provided further*, That of the funds appropriated  
22 under this heading, \$300,000,000 shall be made available  
23 for assistance for Jordan: *Provided further*, That none of  
24 the funds made available under this heading shall be made  
25 available to support or continue any program initially

1 funded under the authority of section 1206 of the National  
2 Defense Authorization Act for Fiscal Year 2006 (Public  
3 Law 109–163; 119 Stat. 3456) unless the Secretary of  
4 State, in coordination with the Secretary of Defense, has  
5 justified such program to the Committees on Appropria-  
6 tions: *Provided further*, That funds appropriated or other-  
7 wise made available under this heading shall be nonrepay-  
8 able notwithstanding any requirement in section 23 of the  
9 Arms Export Control Act: *Provided further*, That funds  
10 made available under this heading shall be obligated upon  
11 apportionment in accordance with paragraph (5)(C) of  
12 title 31, United States Code, section 1501(a).

13       None of the funds made available under this heading  
14 shall be available to finance the procurement of defense  
15 articles, defense services, or design and construction serv-  
16 ices that are not sold by the United States Government  
17 under the Arms Export Control Act unless the foreign  
18 country proposing to make such procurement has first  
19 signed an agreement with the United States Government  
20 specifying the conditions under which such procurement  
21 may be financed with such funds: *Provided*, That all coun-  
22 try and funding level increases in allocations shall be sub-  
23 mitted through the regular notification procedures of sec-  
24 tion 7015 of this Act: *Provided further*, That none of the  
25 funds appropriated under this heading may be made avail-

1 able for assistance for Nepal, Sri Lanka, Pakistan, Ban-  
2 gladesh, Philippines, Indonesia, Haiti, Guatemala, Ethi-  
3 opia, Cambodia, Kenya, Chad, and the Democratic Repub-  
4 lic of the Congo except pursuant to the regular notification  
5 procedures of the Committees on Appropriations: *Provided*  
6 *further*, That funds made available under this heading  
7 may be used, notwithstanding any other provision of law,  
8 for demining, the clearance of unexploded ordnance, and  
9 related activities, and may include activities implemented  
10 through nongovernmental and international organizations:  
11 *Provided further*, That only those countries for which as-  
12 sistance was justified for the “Foreign Military Sales Fi-  
13 nancing Program” in the fiscal year 1989 congressional  
14 presentation for security assistance programs may utilize  
15 funds made available under this heading for procurement  
16 of defense articles, defense services or design and con-  
17 struction services that are not sold by the United States  
18 Government under the Arms Export Control Act: *Provided*  
19 *further*, That funds appropriated under this heading shall  
20 be expended at the minimum rate necessary to make time-  
21 ly payment for defense articles and services: *Provided fur-*  
22 *ther*, That not more than \$56,583,000 of the funds appro-  
23 priated under this heading may be obligated for necessary  
24 expenses, including the purchase of passenger motor vehi-  
25 cles for replacement only for use outside of the United

1 States, for the general costs of administering military as-  
2 sistance and sales, except that this limitation may be ex-  
3 ceeded only through the regular notification procedures of  
4 the Committees on Appropriations: *Provided further*, That  
5 of the funds appropriated under this heading for general  
6 costs of administering military assistance and sales, not  
7 to exceed \$4,000 may be available for entertainment ex-  
8 penses and not to exceed \$130,000 may be available for  
9 representation allowances: *Provided further*, That not  
10 more than \$749,597,000 of funds realized pursuant to  
11 section 21(e)(1)(A) of the Arms Export Control Act may  
12 be obligated for expenses incurred by the Department of  
13 Defense during fiscal year 2011 pursuant to section 43(b)  
14 of the Arms Export Control Act, except that this limita-  
15 tion may be exceeded only through the regular notification  
16 procedures of the Committees on Appropriations.

17 PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

18 For necessary expenses to carry out the provisions  
19 of chapter 8 of part I and chapters 2, 5, 6, and 8 of part  
20 II of the Foreign Assistance Act of 1961 and section 23  
21 of the Arms Export Control Act, up to \$900,000,000, to  
22 remain available until September 30, 2012: *Provided*,  
23 That notwithstanding any other provision of law, such  
24 funds shall be available to the Secretary of State, with  
25 the concurrence of the Secretary of Defense, for the pur-

1 pose of providing assistance for Pakistan to build and  
2 maintain the counterinsurgency capability of Pakistani se-  
3 curity forces (including the Frontier Corps), to include  
4 program management, civil-military humanitarian assist-  
5 ance training, human rights training, and the provision  
6 of equipment, supplies, services, training, and facility and  
7 infrastructure repair, renovation, and construction: *Pro-*  
8 *vided further*, That such funds may be transferred by the  
9 Secretary of State to the Department of Defense or other  
10 Federal departments or agencies to support counterinsur-  
11 gency operations and may be merged with, and be avail-  
12 able for, the same purposes and for the same time period  
13 as the appropriation or fund to which transferred or may  
14 be transferred pursuant to the authorities contained in the  
15 Foreign Assistance Act of 1961: *Provided further*, That  
16 the Secretary of State shall, not fewer than 15 days prior  
17 to making transfers from this appropriation, notify the  
18 Committees on Appropriations, in writing, of the details  
19 of any such transfer: *Provided further*, That the Secretary  
20 of State shall submit not later than 45 days after the end  
21 of each fiscal quarter to the Committees on Appropriations  
22 a report in writing summarizing, on a project-by-project  
23 basis, the uses of funds under this heading: *Provided fur-*  
24 *ther*, That upon determination by the Secretary of State,  
25 with the concurrence of the Secretary of Defense, that all



1 or part of the funds so transferred from this appropriation  
2 are not necessary for the purposes herein, such amounts  
3 may be transferred by the head of the relevant Federal  
4 department or agency back to this appropriation and shall  
5 be available for the same purposes and for the same time  
6 period as originally appropriated: *Provided further*, That  
7 any required notification or report may be submitted in  
8 classified form.

## 9 TITLE V

### 10 MULTILATERAL ASSISTANCE

#### 11 FUNDS APPROPRIATED TO THE PRESIDENT

##### 12 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

13 For necessary expenses to carry out the provisions  
14 of section 301 of the Foreign Assistance Act of 1961, and  
15 of section 2 of the United Nations Environment Program  
16 Participation Act of 1973, \$397,000,000: *Provided*, That  
17 section 307(a) of the Foreign Assistance Act of 1961 shall  
18 not apply to contributions to the United Nations Democ-  
19 racy Fund.

##### 20 INTERNATIONAL FINANCIAL INSTITUTIONS

##### 21 GLOBAL ENVIRONMENT FACILITY

22 For payment to the International Bank for Recon-  
23 struction and Development as trustee for the Global Envi-  
24 ronment Facility by the Secretary of the Treasury,  
25 \$148,750,000, to remain available until expended.

1 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT  
2 ASSOCIATION

3 For payment to the International Development Asso-  
4 ciation by the Secretary of the Treasury, \$1,285,000,000,  
5 to remain available until expended.

6 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

7 For payment to the International Bank for Recon-  
8 struction and Development as trustee for the Clean Tech-  
9 nology Fund by the Secretary of the Treasury,  
10 \$370,000,000, to remain available until expended.

11 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

12 For payment to the International Bank for Recon-  
13 struction and Development as trustee for the Strategic  
14 Climate Fund by the Secretary of the Treasury,  
15 \$205,000,000, to remain available until expended.

16 GLOBAL FOOD SECURITY FUND

17 For payment as a contribution to a global food secu-  
18 rity fund by the Secretary of the Treasury, \$250,000,000,  
19 to remain available until expended.

20 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT  
21 BANK

22 For payment to the Inter-American Investment Cor-  
23 poration by the Secretary of the Treasury, \$5,000,000, to  
24 remain available until expended.

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 \$37,414,000, to remain available until expended.

21 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

22 For payment to the African Development Fund by  
23 the Secretary of the Treasury, \$150,000,000, to remain  
24 available until expended.

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.

6                                    TITLE VI  
7       EXPORT AND INVESTMENT ASSISTANCE  
8       EXPORT-IMPORT BANK OF THE UNITED STATES  
9                                    INSPECTOR GENERAL

10       For necessary expenses of the Office of Inspector  
11 General in carrying out the provisions of the Inspector  
12 General Act of 1978, as amended, \$3,500,000, to remain  
13 available until September 30, 2012.

14                                   PROGRAM ACCOUNT

15       The Export-Import Bank of the United States is au-  
16 thorized to make such expenditures within the limits of  
17 funds and borrowing authority available to such corpora-  
18 tion, and in accordance with law, and to make such con-  
19 tracts and commitments without regard to fiscal year limi-  
20 tations, as provided by section 104 of the Government  
21 Corporation Control Act, as may be necessary in carrying  
22 out the program for the current fiscal year for such cor-  
23 poration: *Provided*, That none of the funds available dur-  
24 ing the current fiscal year may be used to make expendi-  
25 tures, contracts, or commitments for the export of nuclear

1 equipment, fuel, or technology to any country, other than  
2 a nuclear-weapon state as defined in Article IX of the  
3 Treaty on the Non-Proliferation of Nuclear Weapons eligi-  
4 ble to receive economic or military assistance under this  
5 Act, that has detonated a nuclear explosive after the date  
6 of the enactment of this Act: *Provided further*, That not-  
7 withstanding section 1(c) of Public Law 103–428, as  
8 amended, sections 1(a) and (b) of Public Law 103–428  
9 shall remain in effect through October 1, 2011: *Provided*  
10 *further*, That the use of the aggregate loan, guarantee, and  
11 insurance authority available to the Export-Import Bank  
12 during the current fiscal year should not result in green-  
13 house gas emissions from the extraction or production of  
14 fossil fuels and the use of fossil fuels in electricity genera-  
15 tion exceeding the total amount of such emissions result-  
16 ing from the use of such authority during fiscal year 2009,  
17 and not less than 10 percent of such aggregate should be  
18 used for renewable energy technologies or end-use energy  
19 efficiency technologies.

20 SUBSIDY APPROPRIATION

21 For the cost of direct loans, loan guarantees, insur-  
22 ance, and tied-aid grants as authorized by section 10 of  
23 the Export-Import Bank Act of 1945, as amended, not  
24 to exceed \$90,100,000: *Provided*, That such costs, includ-  
25 ing the cost of modifying such loans, shall be as defined

1 in section 502 of the Congressional Budget Act of 1974:  
2 *Provided further*, That such funds shall remain available  
3 until September 30, 2026, for the disbursement of direct  
4 loans, loan guarantees, insurance and tied-aid grants obli-  
5 gated in fiscal years 2011, 2012, 2013, and 2014: *Pro-*  
6 *vided further*, That none of the funds appropriated by this  
7 Act or any prior Acts appropriating funds for the Depart-  
8 ment of State, foreign operations, and related programs  
9 for tied-aid credits or grants may be used for any other  
10 purpose except through the regular notification procedures  
11 of the Committees on Appropriations: *Provided further*,  
12 That funds appropriated by this paragraph are made  
13 available notwithstanding section 2(b)(2) of the Export-  
14 Import Bank Act of 1945, in connection with the purchase  
15 or lease of any product by any Eastern European country,  
16 any Baltic State or any agency or national thereof.

17 ADMINISTRATIVE EXPENSES

18 For administrative expenses to carry out the direct  
19 and guaranteed loan and insurance programs, including  
20 hire of passenger motor vehicles and services as authorized  
21 by 5 U.S.C. 3109, and not to exceed \$30,000 for official  
22 reception and representation expenses for members of the  
23 Board of Directors, not to exceed \$100,000,000: *Provided*,  
24 That the Export-Import Bank may accept, and use, pay-  
25 ment or services provided by transaction participants for

1 legal, financial, or technical services in connection with  
2 any transaction for which an application for a loan, guar-  
3 antee or insurance commitment has been made: *Provided*  
4 *further*, That notwithstanding subsection (b) of section  
5 117 of the Export Enhancement Act of 1992, subsection  
6 (a) thereof shall remain in effect until October 1, 2011.

7 RECEIPTS COLLECTED

8 Receipts collected pursuant to the Export-Import  
9 Bank Act of 1945, as amended, and the Federal Credit  
10 Reform Act of 1990, as amended, in an amount not to  
11 exceed the amount appropriated herein, shall be credited  
12 as offsetting collections to this account: *Provided*, That the  
13 sums herein appropriated from the General Fund shall be  
14 reduced on a dollar-for-dollar basis by such offsetting col-  
15 lections so as to result in a final fiscal year appropriation  
16 from the General Fund estimated at \$0: *Provided further*,  
17 That amounts collected in fiscal year 2011 in excess of  
18 obligations shall become available on September 1, 2011  
19 and shall remain available until September 30, 2014.

20 OVERSEAS PRIVATE INVESTMENT CORPORATION

21 NONCREDIT ACCOUNT

22 The Overseas Private Investment Corporation is au-  
23 thorized to make, without regard to fiscal year limitations,  
24 as provided by 31 U.S.C. 9104, such expenditures and  
25 commitments within the limits of funds available to it and

1 in accordance with law as may be necessary: *Provided*,  
2 That the amount available for administrative expenses to  
3 carry out the credit and insurance programs (including an  
4 amount for official reception and representation expenses  
5 which shall not exceed \$35,000) shall not exceed  
6 \$53,946,000: *Provided further*, That project-specific trans-  
7 action costs, including direct and indirect costs incurred  
8 in claims settlements, and other direct costs associated  
9 with services provided to specific investors or potential in-  
10 vestors pursuant to section 234 of the Foreign Assistance  
11 Act of 1961, shall not be considered administrative ex-  
12 penses for the purposes of this heading.

13 PROGRAM ACCOUNT

14 For the cost of direct and guaranteed loans,  
15 \$29,000,000, as authorized by section 234 of the Foreign  
16 Assistance Act of 1961, to be derived by transfer from  
17 the Overseas Private Investment Corporation Noncredit  
18 Account: *Provided*, That such costs, including the cost of  
19 modifying such loans, shall be as defined in section 502  
20 of the Congressional Budget Act of 1974: *Provided fur-*  
21 *ther*, That such sums shall be available for direct loan obli-  
22 gations and loan guaranty commitments incurred or made  
23 during fiscal years 2011, 2012, and 2013: *Provided fur-*  
24 *ther*, That funds so obligated in fiscal year 2011 remain  
25 available for disbursement through 2019; funds obligated



1 in fiscal year 2012 remain available for disbursement  
2 through 2020; and funds obligated in fiscal year 2013 re-  
3 main available for disbursement through 2021: *Provided*  
4 *further*, That notwithstanding any other provision of law,  
5 the Overseas Private Investment Corporation is authorized  
6 to undertake any program authorized by title IV of the  
7 Foreign Assistance Act of 1961 in Iraq: *Provided further*,  
8 That funds made available pursuant to the authority of  
9 the previous proviso shall be subject to the regular notifi-  
10 cation procedures of the Committees on Appropriations.

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

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 TRADE AND DEVELOPMENT AGENCY

19 For necessary expenses to carry out the provisions  
20 of section 661 of the Foreign Assistance Act of 1961,  
21 \$55,500,000, to remain available until September 30,  
22 2012: *Provided*, That of the funds appropriated under this  
23 heading, not more than \$4,000 may be available for rep-  
24 resentation and entertainment allowances.

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## TITLE VII

### GENERAL PROVISIONS

#### ALLOWANCES AND DIFFERENTIALS

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

#### UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such department or agency that remain unobligated and unexpended, disaggregated by fiscal year.

#### CONSULTING SERVICES

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

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

3 EMBASSY CONSTRUCTION

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

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

23 (c) Funds appropriated by this Act, and any prior  
24 Act making appropriations for the Department of State,  
25 foreign operations, and related programs, which may be

1 made available for the acquisition of property for diplo-  
2 matic facilities in Afghanistan, Pakistan, and Iraq, shall  
3 be subject to prior consultation with, and the regular noti-  
4 fication procedures of, the Committees on Appropriations.

5 PERSONNEL ACTIONS

6 SEC. 7005. Any costs incurred by a department or  
7 agency funded under title I of this Act resulting from per-  
8 sonnel actions taken in response to funding reductions in-  
9 cluded in this Act shall be absorbed within the total budg-  
10 etary resources available under title I to such department  
11 or agency: *Provided*, That the authority to transfer funds  
12 between appropriations accounts as may be necessary to  
13 carry out this section is provided in addition to authorities  
14 included elsewhere in this Act: *Provided further*, That use  
15 of funds to carry out this section shall be treated as a  
16 reprogramming of funds under section 7015 of this Act  
17 and shall not be available for obligation or expenditure ex-  
18 cept in compliance with the procedures set forth in that  
19 section.

20 LOCAL GUARD CONTRACTS

21 SEC. 7006. In evaluating proposals for local guard  
22 contracts, the Secretary of State shall award contracts in  
23 accordance with section 136 of the Foreign Relations Au-  
24 thorization Act, Fiscal Years 1990 and 1991 (22 U.S.C.  
25 4864), except that the Secretary may grant authorization

1 to award such contracts on the basis of best value as de-  
2 termined by a cost-technical tradeoff analysis (as de-  
3 scribed in Federal Acquisition Regulation part 15.101) in  
4 Iraq, Afghanistan, and Pakistan, notwithstanding sub-  
5 section (c)(3) of such section: *Provided*, That the authority  
6 in this section shall apply to any options for renewal that  
7 may be exercised under such contracts that are awarded  
8 during the current fiscal year: *Provided further*, That prior  
9 to issuing a solicitation for a contract to be awarded pur-  
10 suant to the authority under this section, the Secretary  
11 of State shall consult with the Committees on Appropria-  
12 tions.

13 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN  
14 COUNTRIES

15 SEC. 7007. 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 or reparations for the governments of  
19 Cuba, North Korea, Iran, or Syria: *Provided*, That for  
20 purposes of this section, the prohibition on obligations or  
21 expenditures shall include direct loans, credits, insurance  
22 and guarantees of the Export-Import Bank or its agents.

23 COUPS D'ÉTAT

24 SEC. 7008. None of the funds appropriated or other-  
25 wise made available pursuant to titles III through VI of

1 this Act shall be obligated or expended to finance directly  
2 any assistance to the government of any country whose  
3 duly elected head of government is deposed by coup or  
4 decree: *Provided*, That assistance may be resumed to such  
5 government if the President determines and certifies to  
6 the Committees on Appropriations that subsequent to the  
7 termination of assistance a democratically elected govern-  
8 ment has taken office: *Provided further*, That the provi-  
9 sions of this section shall not apply to assistance to pro-  
10 mote democratic elections or public participation in demo-  
11 cratic processes: *Provided further*, That funds made avail-  
12 able pursuant to the previous provisos shall be subject to  
13 the regular notification procedures of the Committees on  
14 Appropriations.

15 TRANSFER AUTHORITY

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

18 (1) Not to exceed 5 percent of any appropria-  
19 tion made available for the current fiscal year for  
20 the Department of State under title I of this Act  
21 may be transferred between such appropriations, but  
22 no such appropriation, except as otherwise specifi-  
23 cally provided, shall be increased by more than 10  
24 percent by any such transfers.

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

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

13          (b) EXPORT FINANCING TRANSFER AUTHORITIES.—  
14          Not to exceed 5 percent of any appropriation other than  
15          for administrative expenses made available for fiscal year  
16          2011, for programs under title VI of this Act may be  
17          transferred between such appropriations for use for any  
18          of the purposes, programs, and activities for which the  
19          funds in such receiving account may be used, but no such  
20          appropriation, except as otherwise specifically provided,  
21          shall be increased by more than 25 percent by any such  
22          transfer: *Provided*, That the exercise of such authority  
23          shall be subject to the regular notification procedures of  
24          the Committees on Appropriations.

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

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

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

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



1 for the Department of State, foreign operations, and  
2 related programs under the headings “Global Health  
3 and Child Survival”, “Development Assistance”, and  
4 “Economic Support Fund” shall be subject to the  
5 regular notification procedures of the Committees on  
6 Appropriations: *Provided*, That the requirement in  
7 the previous sentence shall not apply to agreements  
8 entered into between USAID and the Department of  
9 State.

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

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

1 that the Inspector General for the agency receiving the  
2 transfer or allocation of such funds shall perform periodic  
3 program and financial audits of the use of such funds:  
4 *Provided*, That funds transferred under such authority  
5 may be made available for the cost of such audits.

6 REPORTING REQUIREMENT

7 SEC. 7010. The Secretary of State shall provide the  
8 Committees on Appropriations, not later than April 1,  
9 2011, and for each fiscal quarter, a report in writing on  
10 the uses of funds made available under the headings “For-  
11 eign Military Financing Program”, “International Mili-  
12 tary Education and Training”, “Pakistan Counterinsur-  
13 gency Capability Fund”, and “Peacekeeping Operations”:  
14 *Provided*, That such report shall include a description of  
15 the obligation and expenditure of funds, and the specific  
16 country in receipt of, and the use or purpose of the assist-  
17 ance provided by such funds.

18 AVAILABILITY OF FUNDS

19 SEC. 7011. No part of any appropriation contained  
20 in this Act shall remain available for obligation after the  
21 expiration of the current fiscal year unless expressly so  
22 provided in this Act: *Provided*, That funds appropriated  
23 for the purposes of chapters 1, 8, 11, and 12 of part I,  
24 section 661, section 667, chapters 4, 5, 6, 8, and 9 of  
25 part II of the Foreign Assistance Act of 1961, section 23

1 of the Arms Export Control Act, and funds provided under  
2 the headings “Assistance for Europe, Eurasia and Central  
3 Asia”, “Democracy Fund”, “Pakistan Counterinsurgency  
4 Capability Fund”, and “Development Credit Authority”,  
5 shall remain available for an additional 4 years from the  
6 date on which the availability of such funds would other-  
7 wise have expired, if such funds are initially obligated be-  
8 fore the expiration of their respective periods of avail-  
9 ability contained in this Act: *Provided further*, That not-  
10 withstanding any other provision of this Act, any funds  
11 made available for the purposes of chapter 1 of part I and  
12 chapter 4 of part II of the Foreign Assistance Act of 1961  
13 which are allocated or obligated for cash disbursements  
14 in order to address balance of payments or economic policy  
15 reform objectives, shall remain available until expended.

16 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

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

1 Appropriations, that assistance for such country is in the  
2 national interest of the United States.

3 PROHIBITION ON TAXATION OF ASSISTANCE

4 SEC. 7013. None of the funds appropriated under  
5 title III of this Act may be made available for assistance  
6 for a foreign country unless the government of such coun-  
7 try agrees, in writing, to exempt such assistance from tax-  
8 ation or to an effective arrangement for substantial reim-  
9 bursement of such taxes.

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 (c) 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 REPROGRAMMING 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 2011,  
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: (1) creates new  
6 programs; (2) eliminates a program, project, or activity;  
7 (3) increases funds or personnel by any means for any  
8 project or activity for which funds have been denied or  
9 restricted; (4) relocates an office or employees; (5) closes  
10 or opens a mission or post; (6) reorganizes or renames  
11 offices; (7) reorganizes programs or activities; or (8) con-  
12 tracts out or privatizes any functions or activities pres-  
13 ently performed by Federal employees; unless the Commit-  
14 tees on Appropriations are notified 15 days in advance of  
15 such reprogramming of funds.

16 (b) For the purposes of providing the executive  
17 branch with the necessary administrative flexibility, none  
18 of the funds provided under title I of this Act, or provided  
19 under previous appropriations Acts to the agency or de-  
20 partment funded under title I of this Act that remain  
21 available for obligation or expenditure in fiscal year 2011,  
22 or provided from any accounts in the Treasury of the  
23 United States derived by the collection of fees available  
24 to the agency or department funded under title I of this  
25 Act, shall be available for obligation or expenditure for ac-

1 tivities, programs, or projects through a reprogramming  
2 of funds in excess of \$1,000,000 or 10 percent, whichever  
3 is less, that: (1) augments existing programs, projects, or  
4 activities; (2) reduces by 10 percent funding for any exist-  
5 ing program, project, or activity, or numbers of personnel  
6 by 10 percent as approved by Congress; or (3) results from  
7 any general savings, including savings from a reduction  
8 in personnel, which would result in a change in existing  
9 programs, activities, or projects as approved by Congress;  
10 unless the Committees on Appropriations are notified 15  
11 days in advance of such reprogramming of funds.

12 (c) For the purposes of providing the executive  
13 branch with the necessary administrative flexibility, none  
14 of the funds made available under titles II through V in  
15 this Act under the headings “Global Health and Child  
16 Survival”, “Development Assistance”, “International Or-  
17 ganizations and Programs”, “Trade and Development  
18 Agency”, “International Narcotics Control and Law En-  
19 forcement”, “Assistance for Europe, Eurasia and Central  
20 Asia”, “Economic Support Fund”, “Democracy Fund”,  
21 “Peacekeeping Operations”, “Capital Investment Fund”,  
22 “Operating Expenses”, “Office of Inspector General”,  
23 “Nonproliferation, Anti-terrorism, Demining and Related  
24 Programs”, “Millennium Challenge Corporation”, “Paki-  
25 stan Counterinsurgency Capability Fund”, “Foreign Mili-

1 tary Financing Program”, “International Military Edu-  
2 cation and Training”, “Peace Corps”, “Complex Crises  
3 Fund”, and “Migration and Refugee Assistance”, shall be  
4 available for obligation for activities, programs, projects,  
5 type of materiel assistance, countries, or other operations  
6 not justified or in excess of the amount justified to the  
7 Committees on Appropriations for obligation under any of  
8 these specific headings unless the Committees on Appro-  
9 priations are notified 15 days in advance: *Provided*, That  
10 the President shall not enter into any commitment of  
11 funds appropriated for the purposes of section 23 of the  
12 Arms Export Control Act for the provision of major de-  
13 fense equipment, other than conventional ammunition, or  
14 other major defense items defined to be aircraft, ships,  
15 missiles, or combat vehicles, not previously justified to  
16 Congress or 20 percent in excess of the quantities justified  
17 to Congress unless the Committees on Appropriations are  
18 notified 15 days in advance of such commitment: *Provided*  
19 *further*, That requirements of this subsection or any simi-  
20 lar provision of this or any other Act shall not apply to  
21 any reprogramming for an activity, program, or project  
22 for which funds are appropriated under titles II through  
23 IV of this Act of less than 10 percent of the amount pre-  
24 viously justified to the Congress for obligation for such  
25 activity, program, or project for the current fiscal year.



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

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

1 (f) None of the funds appropriated under titles III  
2 through VI of this Act shall be obligated or expended for  
3 assistance for Serbia, Sudan, Zimbabwe, Afghanistan,  
4 Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Co-  
5 lombia, Burma, Yemen, Mexico, Somalia, Sri Lanka, or  
6 Cambodia except as provided through the regular notifica-  
7 tion procedures of the Committees on Appropriations.

8 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

9 SEC. 7016. Before issuing a letter of offer to sell ex-  
10 cess defense articles under the Arms Export Control Act,  
11 the Department of Defense shall notify the Committees  
12 on Appropriations in accordance with the regular notifica-  
13 tion procedures of such Committees if such defense arti-  
14 cles are significant military equipment (as defined in sec-  
15 tion 47(9) of the Arms Export Control Act) or are valued  
16 (in terms of original acquisition cost) at \$7,000,000 or  
17 more, or if notification is required elsewhere in this Act  
18 for the use of appropriated funds for specific countries  
19 that would receive such excess defense articles: *Provided,*  
20 That such Committees shall also be informed of the origi-  
21 nal acquisition cost of such defense articles.

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

24 SEC. 7017. Subject to the regular notification proce-  
25 dures of the Committees on Appropriations, funds appro-

1 priated under titles III through VI of this Act and prior  
2 Acts making appropriations for the Department of State,  
3 foreign operations, and related programs, which are re-  
4 turned or not made available for organizations and pro-  
5 grams because of the implementation of section 307(a) of  
6 the Foreign Assistance Act of 1961, shall remain available  
7 for obligation until September 30, 2012.

8                   WAR CRIMES TRIBUNALS DRAWDOWN

9           SEC. 7018. If the President determines that doing so  
10 will contribute to a just resolution of charges regarding  
11 genocide or other violations of international humanitarian  
12 law, the President may direct a drawdown pursuant to sec-  
13 tion 552(c) of the Foreign Assistance Act of 1961 of up  
14 to \$30,000,000 of commodities and services for the United  
15 Nations War Crimes Tribunal established with regard to  
16 the former Yugoslavia by the United Nations Security  
17 Council or such other tribunals or commissions as the  
18 Council may establish or authorize to deal with such viola-  
19 tions, without regard to the ceiling limitation contained  
20 in paragraph (2) thereof: *Provided*, That the determina-  
21 tion required under this section shall be in lieu of any de-  
22 terminations otherwise required under section 552(c): *Pro-*  
23 *vided further*, That funds made available pursuant to this  
24 section shall be made available subject to the regular noti-  
25 fication procedures of the Committees on Appropriations.

## 1 ALLOCATIONS

2 SEC. 7019. (a) Funds provided in this Act for the  
3 following accounts shall be made available for programs  
4 and countries in the amounts contained in the respective  
5 tables included in the report accompanying this Act:

6 “Diplomatic and Consular Programs”;

7 “Educational and Cultural Exchange Pro-  
8 grams”;

9 “International Boundary and Water Commis-  
10 sion, United States and Mexico”;

11 “International Fisheries Commissions”;

12 “International Broadcasting Operations”;

13 “Global Health and Child Survival”;

14 “Development Assistance”;

15 “Democracy Fund”;

16 “Economic Support Fund”;

17 “Assistance for Europe, Eurasia and Central  
18 Asia”;

19 “International Narcotics Control and Law En-  
20 forcement”;

21 “Nonproliferation, Anti-terrorism, Demining  
22 and Related Programs”;

23 “Peacekeeping Operations”;

24 “Foreign Military Financing Program”; and

25 “International Organizations and Programs”.

1 (b) For the purposes of implementing this section and  
2 only with respect to the tables included in the report ac-  
3 companying this Act, the Secretary of State, the Adminis-  
4 trator of the United States Agency for International De-  
5 velopment and the Broadcasting Board of Governors, as  
6 appropriate, may propose deviations to the amounts ref-  
7 erenced in subsection (a), subject to the regular notifica-  
8 tion procedures of the Committees on Appropriations.

9 (c) The requirements contained in subsection (a)  
10 shall apply to the tables under the headings “Bilateral  
11 Economic Assistance” and “International Security Assist-  
12 ance” in the report.

13 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

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

- 21 (1) alcoholic beverages; or  
22 (2) entertainment expenses for activities that  
23 are substantially of a recreational character, includ-  
24 ing but not limited to entrance fees at sporting

1 events, theatrical and musical productions, and  
2 amusement parks.

3 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

4 SUPPORTING INTERNATIONAL TERRORISM

5 SEC. 7021. (a)(1) LETHAL MILITARY EQUIPMENT

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

19 (2) Assistance restricted by paragraph (1) or any  
20 other similar provision of law, may be furnished if the  
21 President determines that to do so is important to the na-  
22 tional interests of the United States.

23 (3) Whenever the President makes a determination  
24 pursuant to paragraph (2), the President shall submit to  
25 the Committees on Appropriations a report with respect

1 to the furnishing of such assistance, including a detailed  
2 explanation of the assistance to be provided, the estimated  
3 dollar amount of such assistance, and an explanation of  
4 how the assistance furthers United States national inter-  
5 ests.

6 (b)(1) BILATERAL ASSISTANCE.—Funds appro-  
7 priated for bilateral assistance in titles III through VI of  
8 this Act and funds appropriated under any such title in  
9 prior acts making appropriations for the Department of  
10 State, foreign operations, and related programs, shall not  
11 be made available to any foreign government which the  
12 President determines—

13 (A) grants sanctuary from prosecution to any  
14 individual or group which has committed an act of  
15 international terrorism; or

16 (B) otherwise supports international terrorism.

17 (2) The President may waive the application of para-  
18 graph (1) to a government if the President determines  
19 that national security or humanitarian reasons justify  
20 such waiver: *Provided*, That the President shall publish  
21 each such waiver in the Federal Register and, at least 15  
22 days before the waiver takes effect, shall notify the Com-  
23 mittees on Appropriations of the waiver (including the jus-  
24 tification for the waiver) in accordance with the regular

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

3 LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF  
4 CERTAIN LAWS

5 SEC. 7022. None of the funds made available in this  
6 Act or prior Acts may be used in contravention of any  
7 provision of, or amendment made by, this Act, unless such  
8 authority is expressly provided in statute: *Provided*, That  
9 if a determination is made on constitutional grounds by  
10 the executive branch that any provision of law covered by  
11 the preceding sentence shall not apply, the head of the  
12 relevant Federal agency shall notify the Committees on  
13 Appropriations in writing within 5 days of such determina-  
14 tion, the basis for such determination and any resulting  
15 changes to program and policy.

16 AUTHORIZATION REQUIREMENTS

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



## 1       DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

2       SEC. 7024. For the purpose of titles II through VI  
3 of this Act “program, project, and activity” shall be de-  
4 fined at the appropriations Act account level and shall in-  
5 clude all appropriations and authorizations Acts funding  
6 directives, ceilings, and limitations with the exception that  
7 for the following accounts: “Economic Support Fund” and  
8 “Foreign Military Financing Program”, “program,  
9 project, and activity” shall also be considered to include  
10 country, regional, and central program level funding with-  
11 in each such account; for the development assistance ac-  
12 counts of the United States Agency for International De-  
13 velopment “program, project, and activity” shall also be  
14 considered to include central, country, regional, and pro-  
15 gram level funding, either as: (1) justified to the Congress;  
16 or (2) allocated by the executive branch in accordance with  
17 a report, to be provided to the Committees on Appropria-  
18 tions within 30 days of the enactment of this Act, as re-  
19 quired by section 653(a) of the Foreign Assistance Act  
20 of 1961.

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

23       SEC. 7025. Unless expressly provided to the contrary,  
24 provisions of this or any other Act, including provisions  
25 contained in prior Acts authorizing or making appropria-

1 tions for the Department of State, foreign operations, and  
2 related programs, shall not be construed to prohibit activi-  
3 ties authorized by or conducted under the Peace Corps  
4 Act, the Inter-American Foundation Act or the African  
5 Development Foundation Act: *Provided*, That the agency  
6 shall promptly report to the Committees on Appropria-  
7 tions whenever it is conducting activities or is proposing  
8 to conduct activities in a country for which assistance is  
9 prohibited.

10 COMMERCE, TRADE AND SURPLUS COMMODITIES

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

1 tors the benefits to industry and employment in the  
2 United States are likely to outweigh the injury to United  
3 States producers of the same, similar, or competing com-  
4 modity, and the Chairman of the Board so notifies the  
5 Committees on Appropriations.

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

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

20 (2) research activities intended primarily to  
21 benefit American producers.

22 (c) The Secretary of the Treasury shall instruct the  
23 United States Executive Directors of the international fi-  
24 nancial institutions to use the voice and vote of the United  
25 States to oppose any assistance by such institutions, using

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

7 SEPARATE ACCOUNTS

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

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

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

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

22 (i) the amount of the local currencies  
23 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 ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS

8 SEC. 7028. Section 123(e) of the Foreign Assistance  
9 Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as  
10 follows:

11 “(e)(1) Restrictions contained in this or any other  
12 Act with respect to assistance for a country shall not be  
13 construed to restrict assistance in support of programs of  
14 nongovernmental organizations from—

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

18 “(B) funds made available for economic assist-  
19 ance activities under the Support for East European  
20 Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et  
21 seq.).

22 “(2) The President shall submit to Congress, in ac-  
23 cordance with section 634A, advance notice of an intent  
24 to obligate funds under the authority of this subsection



1 to furnish assistance in support of programs of nongovern-  
2 mental organizations.

3 “(3) Assistance may not be furnished through non-  
4 governmental organizations to the central government of  
5 a country under the authority of this subsection, but as-  
6 sistance may be furnished to local, district, or subnational  
7 government entities under such authority.”.

8 “(4) EXCEPTION.—This subsection shall not apply—

9 “(A) with respect to section 620A of this Act  
10 or any comparable provision of law prohibiting as-  
11 sistance to countries that support international ter-  
12 rorism; or

13 “(B) with respect to section 116 of this Act or  
14 any comparable provision of law prohibiting assist-  
15 ance to the government of a country that violates  
16 internationally recognized human rights.”.

17 IMPACT ON JOBS IN THE UNITED STATES

18 SEC. 7029. None of the funds appropriated under ti-  
19 tles III through VI of this Act may be obligated or ex-  
20 pended to provide—

21 (1) any financial incentive to a business enter-  
22 prise currently located in the United States for the  
23 purpose of inducing such an enterprise to relocate  
24 outside the United States if such incentive or in-  
25 ducement is likely to reduce the number of employ-

1       ees of such business enterprise in the United States  
2       because United States production is being replaced  
3       by such enterprise outside the United States; or

4               (2) assistance for any program, project, or ac-  
5       tivity that contributes to the violation of internation-  
6       ally recognized workers rights, as defined in section  
7       507(4) of the Trade Act of 1974, of workers in the  
8       recipient country, including any designated zone or  
9       area in that country: *Provided*, That the application  
10      of section 507(4)(D) and (E) of such Act should be  
11      commensurate with the level of development of the  
12      recipient country and sector, and shall not preclude  
13      assistance for the informal sector in such country,  
14      micro and small-scale enterprise, and smallholder  
15      agriculture.

16               INTERNATIONAL FINANCIAL INSTITUTIONS

17      SEC. 7030. (a) None of the funds appropriated in  
18      title V of this Act may be made as payment to any inter-  
19      national financial institution while the United States Ex-  
20      ecutive Director to such institution is compensated by the  
21      institution at a rate which, together with whatever com-  
22      pensation such Director receives from the United States,  
23      is in excess of the rate provided for an individual occu-  
24      pying a position at level IV of the Executive Schedule  
25      under section 5315 of title 5, United States Code, or while

1 any alternate United States Director to such institution  
2 is compensated by the institution at a rate in excess of  
3 the rate provided for an individual occupying a position  
4 at level V of the Executive Schedule under section 5316  
5 of title 5, United States Code.

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

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

1 ical safety net programs in all of the Fund's activities with  
2 respect to Heavily Indebted Poor Countries.

3 (d) For purposes of this Act, "international financial  
4 institutions" are the World Bank, the Inter-American De-  
5 velopment Bank, the Asian Development Bank, the Afri-  
6 can Development Bank, the International Monetary Fund,  
7 the North American Development Bank, and the Euro-  
8 pean Bank for Reconstruction and Development.

9 DEBT-FOR-DEVELOPMENT

10 SEC. 7031. In order to enhance the continued partici-  
11 pation of nongovernmental organizations in debt-for-devel-  
12 opment and debt-for-nature exchanges, a nongovern-  
13 mental organization which is a grantee or contractor of  
14 the United States Agency for International Development  
15 may place in interest bearing accounts local currencies  
16 which accrue to that organization as a result of economic  
17 assistance provided under title III of this Act and, subject  
18 to the regular notification procedures of the Committees  
19 on Appropriations, any interest earned on such investment  
20 shall be used for the purpose for which the assistance was  
21 provided to that organization.

22 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

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

12                   (A) debt-for-equity swaps, debt-for-develop-  
13                   ment swaps, or debt-for-nature swaps; or

14                   (B) a debt buyback by an eligible country  
15                   of its own qualified debt, only if the eligible  
16                   country uses an additional amount of the local  
17                   currency of the eligible country, equal to not  
18                   less than 40 percent of the price paid for such  
19                   debt by such eligible country, or the difference  
20                   between the price paid for such debt and the  
21                   face value of such debt, to support activities  
22                   that link conservation and sustainable use of  
23                   natural resources with local community develop-  
24                   ment, and child survival and other child devel-  
25                   opment, in a manner consistent with sections

1           707 through 710 of the Foreign Assistance Act  
2           of 1961, if the sale, reduction, or cancellation  
3           would not contravene any term or condition of  
4           any prior agreement relating to such loan.

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

10          (3) ADMINISTRATION.—The Facility, as defined  
11          in section 702(8) of the Foreign Assistance Act of  
12          1961, shall notify the administrator of the agency  
13          primarily responsible for administering part I of the  
14          Foreign Assistance Act of 1961 of purchasers that  
15          the President has determined to be eligible, and  
16          shall direct such agency to carry out the sale, reduc-  
17          tion, or cancellation of a loan pursuant to this sec-  
18          tion: *Provided*, That such agency shall make adjust-  
19          ment in its accounts to reflect the sale, reduction, or  
20          cancellation.

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

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

6 (c) ELIGIBLE PURCHASERS.—A loan may be sold  
7 pursuant to subsection (a)(1)(A) only to a purchaser who  
8 presents plans satisfactory to the President for using the  
9 loan for the purpose of engaging in debt-for-equity swaps,  
10 debt-for-development swaps, or debt-for-nature swaps.

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

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

22 SPECIAL DEBT RELIEF FOR THE POOREST

23 SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The  
24 President may reduce amounts owed to the United States

1 (or any agency of the United States) by an eligible country  
2 as a result of—

3 (1) guarantees issued under sections 221 and  
4 222 of the Foreign Assistance Act of 1961;

5 (2) credits extended or guarantees issued under  
6 the Arms Export Control Act; or

7 (3) any obligation or portion of such obligation,  
8 to pay for purchases of United States agricultural  
9 commodities guaranteed by the Commodity Credit  
10 Corporation under export credit guarantee programs  
11 authorized pursuant to section 5(f) of the Com-  
12 modity Credit Corporation Charter Act of June 29,  
13 1948, as amended, section 4(b) of the Food for  
14 Peace Act of 1966, as amended (Public Law 89–  
15 808), or section 202 of the Agricultural Trade Act  
16 of 1978, as amended (Public Law 95–501).

17 (b) LIMITATIONS.—

18 (1) The authority provided by subsection (a)  
19 may be exercised only to implement multilateral offi-  
20 cial debt relief and referendum agreements, com-  
21 monly referred to as “Paris Club Agreed Minutes”.

22 (2) The authority provided by subsection (a)  
23 may be exercised only in such amounts or to such  
24 extent as is provided in advance by appropriations  
25 Acts.



1           (3) The authority provided by subsection (a)  
2           may be exercised only with respect to countries with  
3           heavy debt burdens that are eligible to borrow from  
4           the International Development Association, but not  
5           from the International Bank for Reconstruction and  
6           Development, commonly referred to as “IDA-only”  
7           countries.

8           (c) CONDITIONS.—The authority provided by sub-  
9           section (a) may be exercised only with respect to a country  
10          whose government—

11           (1) does not have an excessive level of military  
12           expenditures;

13           (2) has not repeatedly provided support for acts  
14           of international terrorism;

15           (3) is not failing to cooperate on international  
16           narcotics control matters;

17           (4) (including its military or other security  
18           forces) does not engage in a consistent pattern of  
19           gross violations of internationally recognized human  
20           rights; and

21           (5) is not ineligible for assistance because of the  
22           application of section 527 of the Foreign Relations  
23           Authorization Act, Fiscal Years 1994 and 1995.

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

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

3 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-  
4 duction of debt pursuant to subsection (a) shall not be  
5 considered assistance for the purposes of any provision of  
6 law limiting assistance to a country: *Provided*, That the  
7 authority provided by subsection (a) may be exercised not-  
8 withstanding section 620(r) of the Foreign Assistance Act  
9 of 1961 or section 321 of the International Development  
10 and Food Assistance Act of 1975.

11 SPECIAL AUTHORITIES

12 SEC. 7034. (a) AFGHANISTAN, PAKISTAN, IRAQ,  
13 LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND  
14 DISPLACED BURMESE.—Funds appropriated under titles  
15 III and IV of this Act that are made available for assist-  
16 ance for Afghanistan may be made available notwith-  
17 standing section 7012 of this Act or any similar provision  
18 of law and section 660 of the Foreign Assistance Act of  
19 1961, and funds appropriated under title III of this Act  
20 that are made available for assistance for Pakistan, Iraq,  
21 and Lebanon and for victims of trafficking in persons, vic-  
22 tims of war, displaced children and displaced Burmese,  
23 may be made available notwithstanding any other provi-  
24 sion of law.

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

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

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

23 (e) DISARMAMENT, DEMOBILIZATION, AND RE-  
24 INTEGRATION.—Notwithstanding any other provision of  
25 law, regulation or Executive order, funds appropriated by

1 this Act and prior Acts making appropriations for the De-  
2 partment of State, foreign operations, and related pro-  
3 grams under the headings “Economic Support Fund”,  
4 “International Narcotics Control and Law Enforcement”,  
5 “Peacekeeping Operations”, “International Disaster As-  
6 sistance”, and “Transition Initiatives” may be made avail-  
7 able to support programs to disarm, demobilize, and re-  
8 integrate into civilian society former members of foreign  
9 terrorist organizations: *Provided*, That the Secretary of  
10 State shall consult with the Committees on Appropriations  
11 prior to the obligation of funds pursuant to this sub-  
12 section: *Provided further*, That for the purposes of this  
13 subsection the term “foreign terrorist organization”  
14 means an organization designated as a terrorist organiza-  
15 tion under section 219 of the Immigration and Nationality  
16 Act.

17 (f) CONTINGENCIES.—During fiscal year 2011, the  
18 President may use up to \$75,000,000 under the authority  
19 of section 451 of the Foreign Assistance Act of 1961, not-  
20 withstanding any other provision of law.

21 (g) DEMOCRACY PROMOTION.—

22 (1) Funds made available by this Act that are  
23 made available for the promotion of democracy may  
24 be made available notwithstanding any other provi-

1 sion of law, and with regard to the National Endow-  
2 ment for Democracy, any regulation.

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

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

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

1 assistance and the specific nature of that assistance  
2 shall not be subject to the prior approval by the gov-  
3 ernment of any foreign country.

4 (5) Of the funds appropriated under title III of  
5 this Act that are made available for the promotion  
6 of democracy, up to \$20,000,000 shall be made  
7 available to expand access to information and com-  
8 munications through the Internet, and shall be used  
9 for programs that provide unmonitored and uncen-  
10 sored access to the Internet for large numbers of  
11 users living in closed societies that have acutely hos-  
12 tile Internet environments: *Provided*, That such  
13 funds, and any unobligated funds appropriated in  
14 prior Acts making appropriations for the Depart-  
15 ment of State, foreign operations and related pro-  
16 grams for Internet freedom, shall not be obligated  
17 until the Secretary of State, in coordination with the  
18 USAID Administrator and the Broadcasting Board  
19 of Governors, submits to the Committees on Appro-  
20 priations, in classified form if necessary, a detailed,  
21 multi-year strategy to promote Internet freedom  
22 abroad, including goals and objectives, funding data  
23 by Federal agency, program and fiscal year, and a  
24 detailed description of the following—

1 (A) mechanisms and tools, including censor-  
2 ship circumvention technology, to be used to  
3 promote expanded access and freedom via the  
4 Internet and other forms of connection tech-  
5 nology, especially for people living in countries  
6 whose governments censor, monitor, distort,  
7 and restrict the Internet and other forms of  
8 media;

9 (B) the countries which will be focal points  
10 for such strategy, and an assessment of options  
11 to reach the largest number of people in each  
12 country;

13 (C) projected outcomes and metrics for  
14 measuring the impact and sustainability of pro-  
15 grams established by such funds; and

16 (D) an assessment of the effectiveness of  
17 the uses of previously appropriated funds for  
18 this purpose.

19 (6) Of the funds appropriated under the head-  
20 ing “Economic Support Fund” in this Act that are  
21 made available for assistance for Egypt, Pakistan,  
22 Cuba, North Korea and the Democratic Republic of  
23 the Congo, \$12,500,000 shall be transferred to, and  
24 merged with, funds made available under the head-  
25 ing “National Endowment for Democracy”, and

1 shall be allocated for democracy programs in such  
2 countries.

3 (h) PERSONNEL.—The authority provided by section  
4 1113 of Public Law 111–32 shall remain in effect through  
5 fiscal year 2011.

6 (i) PARTNER VETTING.—Funds appropriated by this  
7 Act may be used to implement a Partner Vetting System  
8 (PVS) pilot program, including necessary rulemaking:  
9 *Provided*, That any such PVS pilot program shall apply  
10 equally to the programs and activities of the Department  
11 of State and the United States Agency for International  
12 Development (USAID): *Provided further*, That the Sec-  
13 retary of State and the USAID Administrator shall jointly  
14 consult with the Committees on Appropriations not later  
15 than 45 days after enactment of this Act on progress im-  
16 plementing the PVS pilot program and preliminary re-  
17 sults: *Provided further*, That such funds shall be subject  
18 to the regular notification procedures of the Committees  
19 on Appropriations.

20 (j) ACCOUNTABILITY REVIEW BOARDS.—The author-  
21 ity provided by section 301(a)(3) of the Omnibus Diplo-  
22 matic Security and Antiterrorism Act of 1986 (22 U.S.C.  
23 4831(a)(3)) shall remain in effect through September 30,  
24 2011.



1 (k) PUBLIC AVAILABILITY OF REPORTS.—Any report  
2 submitted to the Committees on Appropriations pursuant  
3 to any reporting requirement in this Act and in the report  
4 accompanying this Act shall be posted on the respective  
5 agency’s public Web site not more than 7 days after such  
6 report is transmitted to Congress, unless otherwise speci-  
7 fied by the Committees on Appropriations.

8 (l) CONSOLIDATION OF REPORTS.—

9 (1) The Secretary of State or the USAID Ad-  
10 ministrator may, notwithstanding any other provi-  
11 sion of law and following consultation with the Com-  
12 mittees on Appropriations, consolidate or combine  
13 reports (including plans and strategies) that are  
14 called for by any provision of law to be submitted to  
15 the Congress and that are substantially duplicative  
16 of others called for by any other provision of law,  
17 and may submit a report into which two or more are  
18 consolidated by the last in time of the dates other-  
19 wise required for submission of the reports being  
20 consolidated, except that such date shall be no later  
21 than 60 days after the date that the earliest of the  
22 reports was due.

23 (2) Reports are considered “substantially dupli-  
24 cative” if they are required to address at least more  
25 than half of the same substantive factors, criteria

1 and issues that are required to be addressed by any  
2 other report, and any such consolidated report must  
3 address all the substantive factors, criteria and  
4 issues required to be addressed in each of the indi-  
5 vidual reports.

6 (3) Reports affected by this section are those  
7 within the purview of or prepared primarily by the  
8 Department of State and USAID and that relate to  
9 matters addressed under this Act, or any Act au-  
10 thorizing or appropriating funds for use by, or ac-  
11 tions of, the Department of State and USAID.

12 (m) CLARIFYING AMENDMENT.—The Foreign Rela-  
13 tions Authorization Act, Fiscal Years 2000 and 2001 is  
14 amended in section 705(b) (22 U.S.C. 7401(b)) by strik-  
15 ing “by, or for support of, the International Criminal  
16 Court” and inserting “in a manner inconsistent with the  
17 American Servicemembers’ Protection Act of 2002 (22  
18 U.S.C. 7421, et seq.)”.

19 (n) PROHIBITION ON USE OF FUNDS FOR ABOR-  
20 TIONS AND INVOLUNTARY STERILIZATIONS.—None of the  
21 funds made available to carry out part I of the Foreign  
22 Assistance Act of 1961, as amended, may be obligated or  
23 expended for any country or organization if the President  
24 certifies that the use of these funds by any such country  
25 or organization would violate any of the provisions related

1 to abortions and involuntary sterilizations in section  
2 104(f) of such Act.

3 (o) MODIFICATION DATE OF REPORT.—Section  
4 102(b)(1) of the International Religious Freedom Act of  
5 1998 (22 U.S. C. 6412(b)(1) is amended by striking “Sep-  
6 tember 1” and inserting “April 1”.

7 (p) EXTENSION OF PASSPORT SURCHARGE.—Section  
8 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C.  
9 214(b)(2)) is amended by striking “2010” and inserting  
10 instead “2011”.

11 (q) PROTECTIONS AND REMEDIES FOR EMPLOYEES  
12 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-  
13 ZATIONS.—The Secretary of State shall promptly and fully  
14 implement section 203(a)(2) of the William Wilberforce  
15 Trafficking Victims Protection Reauthorization Act of  
16 2008 (Public Law 110–457): *Provided*, That in deter-  
17 mining whether to suspend the issuance of A–3 or G–5  
18 visas to applicants seeking to work for officials of a diplo-  
19 matic mission or international organization, the Secretary  
20 shall consider whether a final court judgment has been  
21 issued against a current or former employee of such mis-  
22 sion or organization (and the time period for a final appeal  
23 has expired) or whether the Department of State has re-  
24 quested that immunity of individual diplomats or family  
25 members be waived to permit criminal prosecution: *Pro-*

1 *vided further*, That the Secretary shall continue to assist  
2 in obtaining payment of final court judgments awarded  
3 to A-3 and G-5 visa holders, including encouraging the  
4 sending states to provide compensation directly to victims:  
5 *Provided further*, That the Secretary shall include all traf-  
6 ficking cases involving A-3 or G-5 visa holders in the  
7 Trafficking in Persons annual report for which a final civil  
8 judgment has been issued (and the time period for final  
9 appeal has expired) or the Department of Justice has de-  
10 termined that the United States Government would seek  
11 to indict the diplomat or a family member but for diplo-  
12 matic immunity.

13 (r) MOTOR VEHICLE POLLUTION CONTROL.—Not  
14 later than 90 days after enactment of this Act, the Sec-  
15 retary of State, Secretary of the Treasury, Administrator  
16 of the United States Agency for International Develop-  
17 ment, and the heads of the Broadcasting Board of Gov-  
18 ernors, Millennium Challenge Corporation, Peace Corps,  
19 Inter-American Foundation, African Development Foun-  
20 dation, Export-Import Bank of the United States, Over-  
21 seas Private Investment Corporation, and Trade and De-  
22 velopment Agency, shall report, in writing, to the Commit-  
23 tees on Appropriations that they have instituted a policy  
24 to eliminate unnecessary idling of motor vehicles owned  
25 or leased by the Federal Government: *Provided*, That such

1 policy may include exceptions to accommodate important  
2 security, health, or safety concerns, and if necessary to  
3 perform a job function, ensure safe operating conditions,  
4 or to operate a motor vehicle in accordance with manufac-  
5 turer specifications.

6 (s) MODIFICATION OF AMENDMENT.—Section 620J  
7 of the Foreign Assistance Act of 1961 (Limitation on As-  
8 sistance to Security Forces) is amended as follows:

9 (1) by redesignating the section as section  
10 620M;

11 (2) in subsection (a), by striking “evidence”  
12 and inserting “information” and by striking “gross  
13 violations” and inserting “a gross violation”; and

14 (3) by adding the following subsection:

15 “(d) CREDIBLE INFORMATION.—Not later than 180  
16 days after the enactment of this section, the Secretary  
17 shall—

18 “(1) develop procedures to ensure that informa-  
19 tion about gross violations of human rights by units  
20 of the security forces of a foreign country is gath-  
21 ered and received (including from United States  
22 Government sources and from individuals and orga-  
23 nizations outside the United States Government),  
24 preserved, investigated, and evaluated;

1           “(2) develop procedures to positively identify  
2           the unit involved when credible information of a  
3           gross violation exists but the identity of the unit is  
4           lacking; and

5           “(3) describe the procedures in a report to the  
6           Committees on Appropriations, the Committee on  
7           Foreign Relations of the Senate and the Committee  
8           on Foreign Affairs of the House of Representa-  
9           tives.”

10          (t) REPEAL.—Sections 494, 495, and 495B through  
11          495K of the Foreign Assistance Act of 1961, and section  
12          1511 of the Foreign Affairs Agencies Consolidation Act  
13          of 1998 (Public Law 105–277), are hereby repealed.

14          (u) DEMOCRACY AND HUMAN RIGHTS.—

15               (1) Section 2143 of the Implementing Rec-  
16               ommendations of the 9/11 Commission Act of 2007  
17               is amended in the opening paragraph by striking  
18               “should increase” and inserting “shall establish”.

19               (2) Any assignment of an individual to a polit-  
20               ical officer position at a United States mission  
21               abroad that has primary responsibility for moni-  
22               toring and reporting on human rights in a foreign  
23               country shall be made upon the recommendation of  
24               the Assistant Secretary of State for Democracy,  
25               Human Rights, and Labor in consultation with the

1 head of the Department of State’s regional bureau  
2 having primary responsibility for that country.

3 (v) ANNUITANT WAIVER.—

4 (1) Section 824(g) of the Foreign Service Act  
5 of 1980 (22 U.S.C. 4064(g)) is amended—

6 (A) in paragraph (1)(B), by striking “to  
7 facilitate the” and all that follows through “Af-  
8 ghanistan,”;

9 (B) by striking paragraph (2); and

10 (C) by redesignating paragraph (3) as  
11 paragraph (2).

12 (2) Section 61 of the of the State Department  
13 Basic Authorities Act of 1956 (22 U.S.C. 2733) is  
14 amended in subsection (a)(2) by striking “2010”  
15 and inserting “2012”.

16 (3) Section 625 of the Foreign Assistance Act  
17 of 1961 (22 U.S.C. 2385) is amended in subsection  
18 (j)(1)(B) by striking “2010” and inserting “2012”.

19 (w) HAITIAN-AMERICAN ENTERPRISE FUND.—Of the  
20 funds appropriated under titles III through VI of this Act  
21 and in prior Acts making appropriations for the Depart-  
22 ment of State, foreign operations, and related programs  
23 that are available for assistance for Haiti, up to  
24 \$25,000,000 may be made available, including as an en-  
25 dowment, notwithstanding any other provision of law and

1 following consultations with the Committees on Appropria-  
2 tions, the Committee on Foreign Relations of the Senate  
3 and the Committee on Foreign Affairs of the House of  
4 Representatives, to establish and operate a Haitian-Amer-  
5 ican Enterprise Fund whose purpose is to improve Haiti's  
6 economy and encourage equitable development by  
7 strengthening the Haitian private sector, including small  
8 businesses and joint ventures with United States and Hai-  
9 tian participants and self-employed activities, through  
10 measures including loans, micro-loans, grants, equity in-  
11 vestments, feasibility studies, technical assistance, train-  
12 ing, insurance, and guarantees: *Provided*, That provisions  
13 contained in section 201 of the Support for East Euro-  
14 pean Democracy (SEED) Act of 1989 (excluding the au-  
15 thorizations of appropriations provided in subsection (b)  
16 and the provisions of subsection (f) of that section) shall  
17 be deemed to apply to any such Fund, and to funds made  
18 available to such Fund, in order to enable it to provide  
19 assistance for purposes of this section: *Provided further*,  
20 That not more than 5 percent of the funds made available  
21 pursuant to this section shall be available for administra-  
22 tive expenses of the Fund: *Provided further*, That section  
23 7063 of this Act shall apply to any such Fund established  
24 pursuant to this subsection: *Provided further*, That the au-



1 thority of the Fund to provide assistance shall cease to  
2 be effective on December 31, 2020.

3       (x) PAKISTANI-AMERICAN ENTERPRISE FUND.—  
4 Funds appropriated under titles III through VI of this Act  
5 and in prior Acts making appropriations for the Depart-  
6 ment of State, foreign operations, and related programs  
7 that are available for assistance for Pakistan, may be  
8 made available, including as an endowment, notwith-  
9 standing any other provision of law and following con-  
10 sultations with the Committees on Appropriations, the  
11 Committee on Foreign Relations of the Senate and the  
12 Committee on Foreign Affairs of the House of Representa-  
13 tives, to establish and operate a Pakistani-American En-  
14 terprise Fund whose purpose is to improve Pakistan's  
15 economy and encourage equitable development by  
16 strengthening Pakistan's private sector, including small  
17 and medium businesses and joint ventures with United  
18 States and Pakistan participants and self-employed activi-  
19 ties, through measures including loans, micro-loans,  
20 grants, equity investments, feasibility studies, technical  
21 assistance, training, insurance, and guarantees: *Provided*,  
22 That provisions contained in section 201 of the Support  
23 for East European Democracy (SEED) Act of 1989 (ex-  
24 cluding the authorizations of appropriations provided in  
25 subsection (b) and the provisions of subsection (f) of that

1 section) shall be deemed to apply to any such Fund, and  
2 to funds made available to such Fund, in order to enable  
3 it to provide assistance for purposes of this section: *Pro-*  
4 *vided further*, That not more than 5 percent of the funds  
5 made available pursuant to this section shall be available  
6 for administrative expenses of the Fund: *Provided further*,  
7 That section 7063 of this Act shall apply to any such  
8 Fund established pursuant to this subsection: *Provided*  
9 *further*, That the authority of the Fund to provide assist-  
10 ance shall cease to be effective on December 31, 2020.

11 (y) MID-CAREER PILOT PROGRAM.—Notwithstanding  
12 any other provision of law, funds appropriated under the  
13 heading “Diplomatic and Consular Programs” shall be  
14 made available for a pilot program to recruit, hire, and  
15 train mid-career professionals for the Foreign Service:  
16 *Provided*, That the Secretary of State shall consult with  
17 the Committees on Appropriations on the parameters of  
18 such a pilot program.

19 (z) VIDEOCONFERENCE INTERVIEWS.—

20 (1) The Secretary of State shall develop and  
21 conduct a pilot program for the processing of tourist  
22 visas using secure remote videoconferencing tech-  
23 nology as a method for conducting visa interviews of  
24 applicants, and shall work with other Federal agen-  
25 cies that use such secure communications to help en-

1       sure security of the videoconferencing transmission  
2       and encryption.

3               (2) Not later than 90 days after the end of the  
4       pilot program the Secretary of State shall submit a  
5       report to the Committees on Appropriations detail-  
6       ing the results of such program including rec-  
7       ommendations on whether it should be continued,  
8       broadened, or modified.

9       (aa) CLARIFICATION.—

10              (1) For the purposes of this Act, the Secretary  
11       of State shall be responsible for the overall imple-  
12       mentation of United States foreign policy, and the  
13       Administrator of the United States Agency for  
14       International Development shall be responsible, in  
15       coordination with the Secretary of State, for the de-  
16       sign and implementation of development and human-  
17       itarian programs in support of such policy.

18              (2) Section 1523(d) of the Foreign Affairs  
19       Agencies Consolidation Act of 1998 (Public Law  
20       105–277) is amended by striking “nonreimbursable”  
21       and inserting “reimbursable”.

22       (bb) EXTENSION OF AUTHORITY.—The Foreign Op-  
23       erations, Export Financing, and Related Programs Appro-  
24       priations Act, 1990 (Public Law 101–167) is amended—

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

1 (A) in subsection (b)(3), by striking “and  
2 2010” and inserting “2010, and 2011”; and

3 (B) in subsection (e), by striking “2010”  
4 each place it appears and inserting “2011”; and

5 (2) in section 599E (8 U.S.C. 1255 note) in  
6 subsection (b)(2), by striking “2010” and inserting  
7 “2011”.

8 (cc) IRAN SANCTIONS.—

9 (1) The declaration of policy in section 3 of the  
10 Iran Sanctions Act of 1996 (Public Law 104–172)  
11 is incorporated herein.

12 (2) None of the funds appropriated or otherwise  
13 made available in title VI of this Act under the  
14 heading “Export-Import Bank of the United States”  
15 may be used by the Export-Import Bank of the  
16 United States to provide any new financing (includ-  
17 ing loans, guarantees, other credits, insurance, and  
18 reinsurance) to any person that is subject to sanc-  
19 tions under paragraph (2) or (3) of section 5(a) of  
20 the Iran Sanctions Act of 1996 (Public Law 104–  
21 172).

22 AIRCRAFT TRANSFER AND COORDINATION

23 SEC. 7035. (a) TRANSFER AUTHORITY.—Notwith-  
24 standing any other provision of law or regulation, aircraft  
25 procured with funds appropriated by this Act and prior

1 Acts making appropriations for the Department of State,  
2 foreign operations, and related programs under the head-  
3 ings “Diplomatic and Consular Programs”, “International  
4 Narcotics Control and Law Enforcement”, “Andean  
5 Counterdrug Initiative” and “Andean Counterdrug Pro-  
6 grams” may be used for any other program and in any  
7 region, including for the transportation of active and  
8 standby Civilian Response Corps personnel and equipment  
9 during a deployment: *Provided*, That the responsibility for  
10 policy decisions and justification for the use of such trans-  
11 fer authority shall be the responsibility of the Secretary  
12 of State and the Deputy Secretary of State and this re-  
13 sponsibility shall not be delegated.

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

22 (c) AIRCRAFT COORDINATION.—

23 (1) Aircraft purchased or leased by the Depart-  
24 ment of State and the United States Agency for  
25 International Development (USAID) with funds

1       made available in this Act or prior Acts making ap-  
2       propriations for the Department of State, foreign  
3       operations, and related programs shall be coordi-  
4       nated under the authority of the appropriate Chief  
5       of Mission: *Provided*, That such aircraft may be  
6       used to transport, on a reimbursable or nonreim-  
7       bursable basis, Federal and non-Federal personnel  
8       supporting the Department of State and USAID  
9       programs and activities: *Provided further*, That offi-  
10      cial travel for other agencies for other purposes may  
11      be supported on a reimbursable basis, or without re-  
12      imbursement when traveling on a space available  
13      basis.

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

17      (d) AIR FLEETS.—Not later than September 30,  
18      2011, the Secretary of State, in consultation with the  
19      USAID Administrator, shall submit a report to the Com-  
20      mittees on Appropriations detailing the total inventory of  
21      aircraft procured, leased, or contracted by the Department  
22      of State and USAID, the contractors operating such air-  
23      craft, and the annual costs of such contracts.

## WESTERN HEMISPHERE

1  
2       SEC. 7036. (a) TRADE CAPACITY.—Of the funds ap-  
3 propriated by this Act, not less than \$10,000,000 under  
4 the heading “Development Assistance” and not less than  
5 \$10,000,000 under the heading “Economic Support  
6 Fund” shall be made available for labor and environ-  
7 mental capacity building activities relating to free trade  
8 agreements with countries of Central America, Peru and  
9 the Dominican Republic.

10       (b) ASSISTANCE FOR HAITI.—

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

15           (2) The terms and conditions of section 1007  
16 (a), (b), (c), (d) and (e) of H.R. 4899, as agreed to  
17 in the Senate on May 27, 2010, shall apply to as-  
18 sistance for Haiti appropriated by this Act.

19           (3) None of the funds made available by this  
20 Act under the heading “International Narcotics Con-  
21 trol and Law Enforcement” may be used to transfer  
22 excess weapons or ammunition of an agency of the  
23 United States Government to the Government of  
24 Haiti for use by the Haitian National Police until  
25 the Secretary of State reports to the Committees on

1 Appropriations that any members of the Haitian  
2 National Police who have been credibly alleged to  
3 have committed violations of internationally recog-  
4 nized human rights or other serious crimes, have  
5 been suspended.

6 (c) CARIBBEAN BASIN SECURITY INITIATIVE.—

7 (1) Of the funds appropriated by this Act, not  
8 more than \$75,000,000 shall be made available for  
9 the Caribbean Basin Security Initiative (CBSI), of  
10 which not more than \$20,000,000 shall be funds ap-  
11 propriated under the heading “Foreign Military Fi-  
12 nancing Program” to support military reform and  
13 air and maritime operations: *Provided*, That a pri-  
14 ority of the CBSI should be to build the capacity  
15 and professionalism of civilian police and judicial in-  
16 stitutions.

17 (2) SPENDING PLAN.—The Secretary of State  
18 shall submit to the Committees on Appropriations  
19 not later than 45 days after enactment of this Act,  
20 and prior to the initial obligation of funds under the  
21 CBSI, a detailed spending plan for each country  
22 which shall include clear and achievable goals and  
23 objectives, indicators and benchmarks for measuring  
24 progress, and expected results.

25 (d) ASSISTANCE FOR GUATEMALA.—



1           (1) Of the funds appropriated in this Act under  
2           the heading “International Narcotics Control and  
3           Law Enforcement” not less than \$3,000,000 shall  
4           be made available for a United States contribution  
5           to the International Commission Against Impunity  
6           in Guatemala.

7           (2) None of the funds appropriated under the  
8           headings “International Military Education and  
9           Training” and “Foreign Military Financing Pro-  
10          gram” may be made available for assistance for the  
11          Guatemalan Army, except that such funds may be  
12          made available for the Army Corps of Engineers  
13          only to improve disaster response capabilities and to  
14          participate in international peacekeeping operations.

15          (e) ASSISTANCE FOR MEXICO.—The provisions of  
16          paragraphs (1) through (4) of section 1046(b) of Public  
17          Law 110–252 shall apply to funds appropriated or other-  
18          wise made available by this Act for assistance for Mexico,  
19          and the report required in that section shall be based on  
20          a determination by the Secretary of State, in writing, of  
21          compliance with each of the requirements in those para-  
22          graphs.

23          (f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL  
24          AMERICA.—The provisions of paragraphs (1) through (4)  
25          of section 7045(f) of the Department of State, Foreign

1 Operations, and Related Programs Appropriations Act,  
2 2009 (division H of Public Law 111–8) shall apply to  
3 funds appropriated or otherwise made available by this  
4 Act for assistance for the countries of Central America.

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 COLOMBIA

10 SEC. 7037. (a) ASSISTANCE.—Funds appropriated by  
11 this Act and made available to the Department of State  
12 for counter-narcotics or other law enforcement assistance  
13 for the Government of Colombia may be used to support  
14 a unified campaign against narcotics trafficking and orga-  
15 nizations designated as Foreign Terrorist Organizations  
16 and successor organizations, and to take actions to protect  
17 human health and welfare in emergency circumstances, in-  
18 cluding undertaking rescue operations: *Provided*, That no  
19 United States Armed Forces personnel or United States  
20 civilian contractor employed by the United States will par-  
21 ticipate in any combat operation in connection with assist-  
22 ance made available by this Act for Colombia: *Provided*  
23 *further*, That rotary and fixed-wing aircraft supported  
24 with funds appropriated under the heading “International  
25 Narcotics Control and Law Enforcement” for assistance

1 for Colombia may be used for aerial or manual drug eradi-  
2 cation and interdiction, including to transport personnel  
3 and supplies and to provide security for such operations,  
4 if the Secretary of State determines that voluntary eradi-  
5 cation, combined with alternative development programs,  
6 including access to land, markets and social services, is  
7 not feasible in such areas: *Provided further*, That such air-  
8 craft may also be used to provide transport in support of  
9 alternative development programs and investigations by ci-  
10 vilian judicial authorities: *Provided further*, That the  
11 President shall ensure that if any helicopter procured with  
12 funds in this Act or prior Acts making appropriations for  
13 the Department of State, foreign operations, and related  
14 programs, is used to aid or abet the operations of any ille-  
15 gal self-defense group, paramilitary organization, illegal  
16 security cooperative or successor organizations in Colom-  
17 bia, such helicopter shall be immediately returned to the  
18 United States: *Provided further*, That none of the funds  
19 appropriated by this Act or prior Acts making appropria-  
20 tions for the Department of State, foreign operations, and  
21 related programs may be made available for assistance for  
22 the Colombian Departamento Administrativo de  
23 Seguridad or successor organizations: *Provided further*,  
24 That the terms and conditions of the third paragraph of  
25 section 7046(a) of division F of Public Law 111–117, ex-

1 cept for the third proviso, shall apply to assistance for Co-  
2 lombia appropriated in this Act: *Provided further*, That  
3 none of the funds appropriated by this Act shall be made  
4 available for the cultivation or processing of African palm  
5 oil.

6 (b) APPLICABILITY OF FISCAL YEAR 2010 PROVI-  
7 SIONS.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (2), the provisions of subsections (b) through  
10 (f) of section 7046 of the Department of State, For-  
11 eign Operations, and Related Programs Appropria-  
12 tions Act, 2009 (division H of Public Law 111–8),  
13 as amended by section 7046 (b)(2)(A) of division F  
14 of Public Law 111–117, shall apply to funds appro-  
15 priated or otherwise made available by this Act for  
16 assistance for Colombia.

17 (2) EXCEPTIONS.—The following provisions of  
18 section 7046 of division H of Public Law 111–8  
19 shall apply to funds appropriated or otherwise made  
20 available by this Act for assistance for Colombia as  
21 follows:

22 (A) Subsection (b)(1)(B) is amended as  
23 follows:

24 (i) By striking clause (i) and inserting  
25 the following:

1           “(i) The Colombian Armed Forces are  
2           suspending those members, of whatever  
3           rank, who have been credibly alleged to  
4           have violated internationally recognized  
5           human rights, or to have aided, abetted or  
6           benefitted from paramilitary organizations  
7           or successor armed groups; all such cases  
8           are promptly referred to civilian jurisdic-  
9           tion for investigation and prosecution, and  
10          the Colombian Armed Forces are no longer  
11          opposing civilian judicial jurisdiction in  
12          such cases; and the Colombian Armed  
13          Forces are cooperating fully with civilian  
14          prosecutors and judicial authorities.”.

15                 (ii) By striking clause (iv) and insert-  
16                 ing the following:

17                 “(iv) The Government of Colombia is  
18                 respecting the rights of human rights de-  
19                 fenders, journalists, trade unionists, and  
20                 other social activists, and the rights and  
21                 territory of indigenous and Afro-Colombian  
22                 communities; and the Colombian Armed  
23                 Forces are implementing procedures to dis-  
24                 tinguish between civilians, including dis-

1 placed persons, and combatants, in their  
2 operations.”.

3 (B) Subsection (b)(2) shall be applied by  
4 substituting “July 31, 2011” for the date con-  
5 tained therein;

6 (C) Subsection (c) shall be applied by sub-  
7 stituting “September 30, 2011” for the date  
8 contained therein; and

9 (D) Subsection (d)(1) shall be applied—

10 (i) by substituting “17,000,000” for  
11 the dollar amount contained therein; and

12 (ii) by substituting “fiscal year 2011”  
13 for the fiscal year contained therein.

14 NEAR EAST

15 SEC. 7038. (a) IRAQ.—

16 (1) Funds appropriated or otherwise made  
17 available by this Act for assistance for Iraq shall be  
18 made available in a manner that utilizes Iraqi enti-  
19 ties to the maximum extent practicable, and in ac-  
20 cordance with the Department of State’s April 9,  
21 2009 “Guidelines for Government of Iraq Financial  
22 Participation in United States Government-Funded  
23 Civilian Foreign Assistance Programs and Projects”.

24 (2) None of such funds may be used by the  
25 Government of the United States to enter into a per-

1       manent basing rights agreement between the United  
2       States and Iraq.

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

11          (4) The uses of aircraft in Iraq purchased or  
12      leased with funds appropriated by this Act shall be  
13      coordinated under the authority of the United States  
14      Chief of Mission in Iraq.

15          (5) Of the funds appropriated by this Act for  
16      assistance for Iraq under the heading “Economic  
17      Support Fund”, not less than \$10,000,000 shall be  
18      made available for programs and activities for which  
19      policy justifications and decisions shall be the re-  
20      sponsibility of the United States Chief of Mission in  
21      Iraq.

22          (6) Not later than 45 days after enactment of  
23      this Act, and prior to the initial obligation of funds,  
24      the Secretary of State, in consultation with the Ad-  
25      ministrator of the United States Agency for Inter-

1 national Development, shall submit to the Commit-  
2 tees on Appropriations a spending plan for funds ap-  
3 propriated or otherwise made available by this Act  
4 for assistance for Iraq, which shall include clear and  
5 achievable goals and objectives, indicators and  
6 benchmarks for measuring progress, and expected  
7 results.

8 (b) LEBANON.—Funds appropriated under the head-  
9 ing “Foreign Military Financing Program” in this Act for  
10 assistance for Lebanon shall be made available only to pro-  
11 fessionalize the Lebanese Armed Forces and to strengthen  
12 border security and combat terrorism, including training  
13 and equipping the Lebanese Armed Forces to secure Leb-  
14 anon’s borders, interdicting arms shipments, preventing  
15 the use of Lebanon as a safe haven for terrorist groups,  
16 and implementing United Nations Security Council Reso-  
17 lution 1701: *Provided*, That funds may not be made avail-  
18 able for obligation until the Secretary of State provides  
19 the Committees on Appropriations a detailed spending  
20 plan.

21 (c) MIDDLE EAST PEACE.—Funds appropriated by  
22 this Act should be made available in a manner to further  
23 peace in the Middle East between Israelis and Palestin-  
24 ians.



1 (d) TUNISIA.—Of the funds appropriated under the  
2 heading “Foreign Military Financing Program” in this  
3 Act that are available for assistance for Tunisia,  
4 \$1,000,000 shall be withheld from obligation unless the  
5 Secretary of State certifies to the Committees on Appro-  
6 priations that the Government of Tunisia is making sig-  
7 nificant efforts to respect due process and the rights of  
8 its citizens to peaceful expression and association, and to  
9 provide access for its citizens to the Internet.

10 (e) WEST BANK AND GAZA.—The terms and condi-  
11 tions of sections 7034(b) and 7035 through 7040 of Public  
12 Law 111–117 shall apply to funds appropriated in this  
13 Act.

14 AFRICA

15 SEC. 7039. (a) INTERNATIONAL MILITARY EDU-  
16 CATION AND TRAINING.—

17 (1) Funds appropriated under the heading  
18 “International Military Education and Training” in  
19 this Act that are made available for assistance for  
20 Angola, Cameroon, Central African Republic, Chad,  
21 Côte d’Ivoire, Guinea and Zimbabwe may be made  
22 available only for expanded international military  
23 education and training and for training related to  
24 international peacekeeping operations.

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

5 (b) ETHIOPIA.—

6           (1) None of the funds appropriated by this Act  
7 under the heading “Foreign Military Financing Pro-  
8 gram” that are available for assistance for Ethiopia  
9 may be made available unless the Secretary of  
10 State—

11           (A) certifies to the Committees on Appro-  
12 priations that the Government of Ethiopia is  
13 making significant efforts to respect due proc-  
14 ess and the rights of its citizens to peaceful ex-  
15 pression and association; and

16           (B) submits a report to such Committees  
17 on the types and amounts of United States  
18 training and equipment proposed to be provided  
19 to the Ethiopian military including steps that  
20 will be taken to ensure that such assistance is  
21 not provided to military units or personnel that  
22 have violated internationally recognized human  
23 rights.

24           (2) The restriction in paragraph (1) shall not  
25 apply to assistance to support the deployment of

1 members of the Ethiopian military in international  
2 peacekeeping operations.

3 (c) CONFLICT MINERALS.—

4 (1) None of the funds appropriated by this Act  
5 under the heading “Foreign Military Financing Pro-  
6 gram” may be made available for assistance for  
7 Rwanda or Uganda if the Secretary of State has  
8 credible evidence that the Government of Rwanda or  
9 the Government of Uganda is providing political,  
10 military or financial support to armed groups in the  
11 Democratic Republic of the Congo (DRC) that are  
12 involved in the illegal exportation of minerals out of  
13 the DRC or have committed violations of inter-  
14 nationally recognized human rights, including rape.

15 (2) The restriction in paragraph (1) shall not  
16 apply to assistance to improve border controls to  
17 prevent the illegal exportation of minerals out of the  
18 DRC by such groups, to protect relief efforts, or to  
19 support the training and deployment of members of  
20 the Rwandan or Ugandan militaries in international  
21 peacekeeping operations.

22 (d) SUDAN LIMITATION ON ASSISTANCE.—

23 (1) Subject to paragraph (2):

24 (A) Notwithstanding any other provision of  
25 law, none of the funds appropriated by this Act

1           may be made available for assistance for the  
2           Government of Sudan.

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

12          (2) Paragraph (1) shall not apply if the Sec-  
13          retary of State determines and certifies to the Com-  
14          mittees on Appropriations that:

15                (A) The Government of Sudan honors its  
16                pledges to cease attacks upon civilians and dis-  
17                arms and demobilizes the Janjaweed and other  
18                government-supported militias;

19                (B) The Government of Sudan and all gov-  
20                ernment-supported militia groups are honoring  
21                their commitments made in all previous cease-  
22                fire agreements; and

23                (C) The Government of Sudan is allowing  
24                unimpeded access to Darfur to humanitarian  
25                aid organizations, the human rights investiga-

1           tion and humanitarian teams of the United Na-  
2           tions, including protection officers, and an  
3           international monitoring team that is based in  
4           Darfur and has the support of the United  
5           States.

6           (3) The provisions of paragraph (1) shall not  
7           apply to—

8                   (A) humanitarian assistance;

9                   (B) assistance for the Darfur region,  
10           Southern Sudan, Southern Kordofan/Nuba  
11           Mountains State, Blue Nile State, and Abyei;  
12           and

13                   (C) assistance to support implementation  
14           of the Comprehensive Peace Agreement and the  
15           Darfur Peace Agreement or any other inter-  
16           nationally recognized viable peace agreement in  
17           Sudan.

18           (4) For the purposes of this Act, the term  
19           “Government of Sudan” shall not include the Gov-  
20           ernment of Southern Sudan.

21           (5) Notwithstanding any other provision of law,  
22           assistance in this Act may be made available to the  
23           Government of Southern Sudan to provide nonlethal  
24           military assistance, military education and training,  
25           and defense services controlled under the Inter-

1 national Traffic in Arms Regulations (22 CFR  
2 120.1 et seq.) if the Secretary of State—

3 (A) determines that the provision of such  
4 items is in the national interest of the United  
5 States; and

6 (B) not later than 15 days before the pro-  
7 vision of any such assistance, notifies the Com-  
8 mittees on Appropriations of such determina-  
9 tion.

10 (e) SOUTHERN SUDAN.—The Secretary of State shall  
11 request regular audits of the financial accounts of the  
12 Government of Southern Sudan to ensure transparency  
13 and accountability of funds, including revenues from the  
14 extraction of oil and gas, and the public disclosure of such  
15 audits in a timely manner: *Provided*, That in determining  
16 amounts and types of United States assistance to make  
17 available to the Government of Southern Sudan, the Sec-  
18 retary shall consider the extent to which such government  
19 is ensuring transparency and accountability of funds: *Pro-*  
20 *vided further*, That the Secretary shall, as appropriate, as-  
21 sist the Government of Southern Sudan in conducting  
22 such audits, and shall submit a report not later than 90  
23 days after enactment of this Act to the Committees on  
24 Appropriations detailing the steps that will be taken by  
25 the Government of Southern Sudan, which are additional

1 to those which were taken in the previous fiscal year, to  
2 improve natural resource management and ensure trans-  
3 parency and accountability of funds.

4 (f) THE GAMBIA.—

5 (1) Of the funds appropriated under the head-  
6 ings “International Narcotics Control and Law En-  
7 forcement” and “International Military Education  
8 and Training” that are available for assistance for  
9 The Gambia, not more than \$120,000 may be made  
10 available unless the Secretary of State certifies to  
11 the Committees on Appropriations that the Govern-  
12 ment of The Gambia is making significant efforts to  
13 release and account for political prisoners, including  
14 Ebrimah Manneh.

15 (2) The Secretary of the Treasury shall instruct  
16 the United States Executive Directors of the inter-  
17 national financial institutions to vote against any  
18 loan, agreement, or other financial support for The  
19 Gambia, except to meet basic human needs, unless  
20 the Secretary of State makes the certification re-  
21 quired in paragraph (1).

22 (g) WAR CRIMES IN AFRICA.—

23 (1) The Congress reaffirms its support for the  
24 efforts of the International Criminal Tribunal for  
25 Rwanda (ICTR) and the Special Court for Sierra

1 Leone (SCSL) to bring to justice individuals respon-  
2 sible for war crimes and crimes against humanity in  
3 a timely manner.

4 (2) Funds appropriated by this Act, including  
5 funds for debt restructuring, may be made available  
6 for assistance for the central government of a coun-  
7 try in which individuals indicted by ICTR and SCSL  
8 are credibly alleged to be living, if the Secretary of  
9 State determines and reports to the Committees on  
10 Appropriations that such government is cooperating  
11 with ICTR and SCSL: *Provided*, That the United  
12 States shall use its voice and vote in the United Na-  
13 tions Security Council to fully support efforts by  
14 ICTR and SCSL to bring to justice individuals in-  
15 dicted by such tribunals in a timely manner.

16 (3) The prohibition in paragraph (2) may be  
17 waived on a country-by-country basis if the Presi-  
18 dent determines that doing so is in the national se-  
19 curity interest of the United States.

20 (h) ZIMBABWE.—

21 (1) The Secretary of the Treasury shall instruct  
22 the United States Executive Director of each inter-  
23 national financial institution to vote against any ex-  
24 tension by the respective institution of any loans to  
25 the Government of Zimbabwe, except to meet basic



1 human needs or to promote democracy, unless the  
2 Secretary of State determines and reports in writing  
3 to the Committees on Appropriations that the rule  
4 of law has been restored in Zimbabwe, including re-  
5 spect for ownership and title to property, freedom of  
6 speech and association.

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

13 ASIA

14 SEC. 7040. (a) TIBET.—

15 (1) The Secretary of the Treasury should in-  
16 struct the United States Executive Director of each  
17 international financial institution to use the voice  
18 and vote of the United States to support projects in  
19 Tibet if such projects do not provide incentives for  
20 the migration and settlement of non-Tibetans into  
21 Tibet or facilitate the transfer of ownership of Ti-  
22 betan land and natural resources to non-Tibetans;  
23 are based on a thorough needs-assessment; foster  
24 self-sufficiency of the Tibetan people and respect Ti-

1 betan culture and traditions; and are subject to ef-  
2 fective monitoring.

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

12 (b) BURMA.—

13 (1) The Secretary of the Treasury shall instruct  
14 the United States Executive Director of each inter-  
15 national financial institution to oppose and vote  
16 against the extension by such institution of any loan  
17 or financial or technical assistance or any other utili-  
18 zation of funds of the respective bank to and for  
19 Burma.

20 (2) Funds appropriated by this Act may be  
21 made available for assistance for Burma notwith-  
22 standing any other provision of law, except no such  
23 funds shall be made available to the State Peace and  
24 Development Council, or its successor, and its affili-  
25 ated organizations: *Provided*, That such funds shall

1 be made available to support programs in Burma,  
2 along Burma's borders, and for Burmese groups and  
3 organizations located outside Burma: *Provided fur-*  
4 *ther*, That not less than \$5,000,000 shall be made  
5 available for community-based organizations oper-  
6 ating in Thailand to provide food, medical, and other  
7 humanitarian assistance to internally displaced per-  
8 sons in eastern Burma, in addition to assistance for  
9 Burmese refugees appropriated under the heading  
10 "Migration and Refugee Assistance" in this Act:  
11 *Provided further*, That any new program or activity  
12 initiated with funds made available by this Act shall  
13 be subject to prior consultation with the Committees  
14 on Appropriations, and all such funds shall be sub-  
15 ject to the regular notification procedures of the  
16 Committees on Appropriations.

17 (c) CAMBODIA.—

18 (1) Funds made available in this Act for a  
19 United States contribution to a Khmer Rouge tri-  
20 bunal may only be made available if the Secretary  
21 of State certifies to the Committees on Appropria-  
22 tions that the United Nations and the Government  
23 of Cambodia are taking effective steps to address al-  
24 legations of corruption and mismanagement within  
25 the tribunal.

1           (2) None of the funds appropriated under the  
2 heading “Peacekeeping Operations” in this Act or in  
3 prior Acts making appropriations for the Depart-  
4 ment of State, foreign operations, and related pro-  
5 grams may be made available to support multi-  
6 national peacekeeping exercises in Cambodia unless  
7 the Secretary of State certifies to the Committees on  
8 Appropriations that the Government of Cambodia  
9 has provided credible information on the where-  
10 abouts and welfare of the 20 Uighur nationals de-  
11 ported to the People’s Republic of China in Decem-  
12 ber 2009.

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

20           (e) NORTH KOREA.—

21           (1) Funds appropriated under the heading “Mi-  
22 gration and Refugee Assistance” in this Act should  
23 be made available for assistance for refugees from  
24 North Korea.

1           (2) Of the funds made available under the  
2 heading “International Broadcasting Operations” in  
3 title I of this Act, up to \$8,000,000 should be made  
4 available for broadcasts into North Korea.

5           (3) Of the funds appropriated by this Act under  
6 the heading “Economic Support Fund”, \$3,500,000  
7 shall be made available for democracy, human  
8 rights, and governance programs for North Korea.

9           (4) Funds made available by this Act under the  
10 heading “Economic Support Fund” for assistance  
11 for countries in the North Asia region may be made  
12 available for programs and activities pursuant to  
13 section 4 of Public Law 108–333, as amended, and  
14 subject to the regular notification procedures of the  
15 Committees on Appropriations: *Provided*, That for  
16 the purposes of this subsection, such programs and  
17 activities shall be considered democracy promotion.

18       (f) PEOPLE’S REPUBLIC OF CHINA.—

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

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

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

16 (3) Notwithstanding any other provision of law  
17 and subject to prior consultation with, and the reg-  
18 ular notification procedures of, the Committees on  
19 Appropriations, of the funds appropriated by this  
20 Act under the heading "Development Assistance",  
21 not less than \$25,000,000 shall be made available  
22 for development cooperation activities and to United  
23 States educational institutions and nongovernmental  
24 organizations for programs and activities in the Peo-



1 ment of Serbia after May 31, 2011, if the Secretary of  
2 State has submitted the report required in subsection (c).

3 (b) After May 31, 2011, the Secretary of the Treas-  
4 ury should instruct the United States Executive Directors  
5 of the international financial institutions to support loans  
6 and assistance to the Government of Serbia subject to the  
7 condition in subsection (c).

8 (c) The report referred to in subsection (a) is a report  
9 by the Secretary of State to the Committees on Appropria-  
10 tions that the Government of Serbia has apprehended  
11 Ratko Mladic and Goran Hadzic and transferred them to  
12 the International Criminal Tribunal for the former Yugo-  
13 slavia.

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

16 INDEPENDENT STATES OF THE FORMER SOVIET UNION

17 SEC. 7042. (a) None of the funds appropriated under  
18 the heading “Assistance for Europe, Eurasia and Central  
19 Asia” may be made available for assistance for a govern-  
20 ment of an Independent State of the former Soviet Union  
21 if that government directs any action in violation of the  
22 territorial integrity or national sovereignty of any other  
23 Independent State of the former Soviet Union, such as  
24 those violations included in the Helsinki Final Act, unless



1 the Secretary of State determines that to do so is in the  
2 national security interests of the United States.

3 (b)(1) Of the funds appropriated under the heading  
4 “Assistance for Europe, Eurasia and Central Asia” that  
5 are available for assistance for the Government of the  
6 Russian Federation, 60 percent shall be withheld from ob-  
7 ligation until the Secretary of State certifies to the Com-  
8 mittees on Appropriations that the Government of the  
9 Russian Federation—

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

15 (B) is providing full access to international non-  
16 government organizations providing humanitarian  
17 relief to refugees and internally displaced persons in  
18 the North Caucasus.

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

20 (A) assistance to combat infectious diseases,  
21 child survival activities, or assistance for victims of  
22 trafficking in persons; and

23 (B) activities authorized under title V (Non-  
24 proliferation and Disarmament Programs and Ac-  
25 tivities) of the FREEDOM Support Act.

1 (c) Section 907 of the FREEDOM Support Act shall  
2 not apply to—

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

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

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

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

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

20 (6) humanitarian assistance.

21 CENTRAL ASIA

22 SEC. 7043. The terms and conditions of section 7075  
23 of the Department of State, Foreign Operations, and Re-  
24 lated Programs Appropriations Act, 2010 (division F of  
25 Public Law 111–117) shall apply to funds appropriated

1 by this Act: *Provided*, That for purposes of the application  
2 of section 7076(e) to this Act, the term “assistance” shall  
3 not include expanded international military education and  
4 training.

5 SOUTH ASIA

6 SEC. 7044. (a) AFGHANISTAN.—

7 (1) Funds appropriated or otherwise made  
8 available by this Act for assistance for Afghanistan  
9 shall be made available in accordance with the terms  
10 and conditions of section 1004 (a), (b), (d), and (e)  
11 of H.R. 4899, as agreed to by the Senate on May  
12 27, 2010, and the ninth through twelfth provisos  
13 under the heading “Economic Support Fund” in  
14 Public Law 111–117.

15 (2) None of the funds appropriated or otherwise  
16 made available by this Act may be made available—

17 (A) for budget support for the Government  
18 of Afghanistan unless the Secretary of State  
19 certifies to the Committees on Appropriations  
20 that such Government is taking credible steps  
21 to combat corruption, including arresting and  
22 prosecuting individuals alleged to be involved in  
23 corrupt practices; or

1 (B) to enter into a permanent basing  
2 rights agreement between the United States  
3 and Afghanistan.

4 (3) The Coordinator for Rule of Law at the  
5 United States Embassy in Kabul, Afghanistan shall  
6 be consulted on the use of all funds appropriated  
7 under this heading for rule of law programs in Af-  
8 ghanistan.

9 (4) Not later than 45 days after enactment of  
10 this Act, and prior to the initial obligation of funds,  
11 the Secretary of State, in consultation with the Ad-  
12 ministrator of the United States Agency for Inter-  
13 national Development, shall submit to the Commit-  
14 tees on Appropriations a spending plan for funds ap-  
15 propriated or otherwise made available by this Act  
16 for assistance for Afghanistan, which shall include  
17 clear and achievable goals and objectives, indicators  
18 and benchmarks for measuring progress, and ex-  
19 pected results.

20 (b) NEPAL.—

21 (1) Funds appropriated by this Act under the  
22 headings “Foreign Military Financing Program”  
23 and “Peacekeeping Operations” may be made avail-  
24 able for assistance for Nepal only if the Secretary of

1 State certifies to the Committees on Appropriations  
2 that the Nepal Army is—

3 (A) cooperating fully with investigations  
4 and prosecutions by civilian judicial authorities  
5 of violations of internationally recognized  
6 human rights, including the 2004 murder of  
7 Maina Sunuwar; and

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

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

21 (c) PAKISTAN.—

22 (1) Funds appropriated or otherwise made  
23 available by this Act for assistance for Pakistan  
24 shall be made available in accordance with section  
25 1005(a), (b)(1) and (c) of H.R. 4899, as agreed to

1 by the Senate on May 27, 2010, and the ninth  
2 through the twelfth provisos under the heading  
3 “Economic Support Fund” in Public Law 111–117.

4 (2) Not later than 45 days after enactment of  
5 this Act, and prior to the initial obligation of funds,  
6 the Secretary of State, in consultation with the Ad-  
7 ministrator of the United States Agency for Inter-  
8 national Development, shall submit to the Commit-  
9 tees on Appropriations a spending plan for funds ap-  
10 propriated or otherwise made available by this Act  
11 for assistance for Pakistan, which shall include clear  
12 and achievable goals, benchmarks for measuring  
13 progress, and expected results.

14 (d) SRI LANKA.—

15 (1) Funds appropriated in title III of this Act  
16 that are available for assistance for Sri Lanka shall  
17 be made available for programs that promote rec-  
18 onciliation between ethnic Sinhalese and Tamil pop-  
19 ulations, support post-conflict reconstruction, and  
20 advance the participation of Tamils and other mi-  
21 norities in the political and economic life of the  
22 country, and shall be subject to the regular notifica-  
23 tion procedures of the Committees on Appropria-  
24 tions.

1           (2) 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) investigating alleged violations of inter-  
12 nationally recognized human rights and inter-  
13 national humanitarian law by government  
14 forces and the Liberation Tigers of Tamil  
15 Eelam, including the assassination of Lasantha  
16 Wickrematunge;

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

20                   (C) supporting and cooperating with any  
21 United Nations advisory panel or investigation  
22 of alleged violations of international humani-  
23 tarian law;

1 (D) respecting due process and the rights  
2 of its citizens to peaceful expression and asso-  
3 ciation;

4 (E) providing access to detainees and con-  
5 flict-affected areas and populations by humani-  
6 tarian organizations; and

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

11 (3) Paragraph (2) shall not apply to assistance  
12 for humanitarian demining and aerial and maritime  
13 surveillance.

14 (4) If the Secretary makes the certification re-  
15 quired in paragraph (2), funds appropriated under  
16 the heading “Foreign Military Financing Program”  
17 that are made available for assistance for Sri Lanka  
18 should be used to support the recruitment and train-  
19 ing of Tamils into the Sri Lankan military, Tamil  
20 language training for Sinhalese military personnel,  
21 and human rights training for all military personnel.

22 (5) The Secretary of the Treasury shall instruct  
23 the United States Executive Directors of the inter-  
24 national financial institutions (as defined in section  
25 1701(e)(2) of the International Financial Institu-



1 tions Act (22 U.S.C. 262r(c)(2)) to vote against any  
2 loan, agreement, or other financial support for Sri  
3 Lanka except to meet basic human needs, unless the  
4 Secretary of State certifies to the Committees on  
5 Appropriations that the Government of Sri Lanka is  
6 meeting the requirements in paragraph (2)(E) and  
7 (F).

8 COMMUNITY-BASED POLICE ASSISTANCE

9 SEC. 7045. (a) AUTHORITY.—Funds made available  
10 by titles III and IV of this Act to carry out the provisions  
11 of chapter 1 of part I and chapters 4 and 6 of part II  
12 of the Foreign Assistance Act of 1961, may be used, not-  
13 withstanding section 660 of that Act, to enhance the effec-  
14 tiveness and accountability of civilian police authority  
15 through training and technical assistance in human rights,  
16 the rule of law, anti-corruption, strategic planning, and  
17 through assistance to foster civilian police roles that sup-  
18 port democratic governance including assistance for pro-  
19 grams to prevent conflict, respond to disasters, address  
20 gender-based violence, and foster improved police relations  
21 with the communities they serve.

22 (b) NOTIFICATION.—Assistance provided under sub-  
23 section (a) shall be subject to prior consultation with, and  
24 the regular notification procedures of, the Committees on  
25 Appropriations.



1 and 1995 (22 U.S.C. 287e note) is amended to read as  
2 follows:

3                   “(vi) For assessments made during  
4                   calendar year 2010 and 2011, 27.3 per-  
5                   cent.”.

6           ATTENDANCE AT INTERNATIONAL CONFERENCES

7           SEC. 7048. None of the funds made available in this  
8 Act may be used to send or otherwise pay for the attend-  
9 ance of more than 50 employees of agencies or depart-  
10 ments of the United States Government who are stationed  
11 in the United States, at any single international con-  
12 ference occurring outside the United States, unless the  
13 Secretary of State reports to the Committees on Appro-  
14 priations that such attendance is in the national interest:  
15 *Provided*, That for purposes of this section the term  
16 “international conference” shall mean a conference at-  
17 tended by representatives of the United States Govern-  
18 ment and of foreign governments, international organiza-  
19 tions, or nongovernmental organizations.

20           RESTRICTIONS ON UNITED NATIONS DELEGATIONS

21           SEC. 7049. None of the funds made available under  
22 title I of this Act may be used to pay expenses for any  
23 United States delegation to any specialized agency, body,  
24 or commission of the United Nations if such commission  
25 is chaired or presided over by a country, the government

1 of which the Secretary of State has determined, for pur-  
2 poses of section 6(j)(1) of the Export Administration Act  
3 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-  
4 national terrorism.

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

7 SEC. 7050. (a) Subject to subsection (e), of the funds  
8 appropriated under titles III through VI of this Act that  
9 are made available for assistance for a foreign country,  
10 an amount equal to 110 percent of the total amount of  
11 the unpaid fully adjudicated parking fines and penalties  
12 and unpaid property taxes owed by the central government  
13 of such country shall be withheld from obligation for as-  
14 sistance for the central government of such country until  
15 the Secretary of State submits a certification to the Com-  
16 mittees on Appropriations stating that such parking fines  
17 and penalties and unpaid property taxes are fully paid.

18 (b) Funds withheld from obligation pursuant to sub-  
19 section (a) may be made available for other programs or  
20 activities funded by this Act, after consultation with and  
21 subject to the regular notification procedures of the Com-  
22 mittees on Appropriations, provided that no such funds  
23 shall be made available for assistance for the central gov-  
24 ernment of a foreign country that has not paid the total

1 amount of the fully adjudicated parking fines and pen-  
2 alties and unpaid property taxes owed by such country.

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

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

11 (2) The Secretary of State may waive the require-  
12 ments set forth in subsection (a) with respect to the un-  
13 paid property taxes if the Secretary of State determines  
14 that it is in the national interests of the United States  
15 to do so.

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

24 (f) In this section:

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

4                   (A)(i) has not responded to the parking  
5           violation summons; or

6                   (ii) has not followed the appropriate adju-  
7           dication procedure to challenge the summons;  
8           and

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

11          (2) The term “parking fines and penalties”  
12          means parking fines and penalties—

13                   (A) owed to—

14                           (i) the District of Columbia; or

15                           (ii) New York, New York; and

16                   (B) incurred during the period April 1,  
17          1997, through September 30, 2010.

18          (3) The term “unpaid property taxes” means  
19          the amount of unpaid taxes and interest determined  
20          to be owed by a foreign country on real property in  
21          the District of Columbia or New York, New York in  
22          a court order or judgment entered against such  
23          country by a court of the United States or any State  
24          or subdivision thereof.

## 1 LANDMINES AND CLUSTER MUNITIONS

2 SEC. 7051. (a) LANDMINES.—Notwithstanding any  
3 other provision of law, demining equipment available to  
4 the United States Agency for International Development  
5 and the Department of State and used in support of the  
6 clearance of landmines and unexploded ordnance for hu-  
7 manitarian purposes may be disposed of on a grant basis  
8 in foreign countries, subject to such terms and conditions  
9 as the President may prescribe.

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

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

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

## 1 PROHIBITION ON PUBLICITY OR PROPAGANDA

2 SEC. 7052. No part of any appropriation contained  
3 in this Act shall be used for publicity or propaganda pur-  
4 poses within the United States not authorized before the  
5 date of the enactment of this Act by the Congress: *Pro-*  
6 *vided*, That not to exceed \$25,000 may be made available  
7 to carry out the provisions of section 316 of Public Law  
8 96-533.

## 9 LIMITATION ON RESIDENCE EXPENSES

10 SEC. 7053. Of the funds appropriated or made avail-  
11 able pursuant to title II of this Act, not to exceed  
12 \$100,500 shall be for official residence expenses of the  
13 United States Agency for International Development dur-  
14 ing the current fiscal year: *Provided*, That appropriate  
15 steps shall be taken to assure that, to the maximum extent  
16 possible, United States-owned foreign currencies are uti-  
17 lized in lieu of dollars.

## 18 UNITED STATES AGENCY FOR INTERNATIONAL

## 19 DEVELOPMENT MANAGEMENT

## 20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 7054. (a) AUTHORITY.—Up to \$93,000,000 of  
22 the funds made available in title III of this Act to carry  
23 out the provisions of part I of the Foreign Assistance Act  
24 of 1961, including funds appropriated under the heading  
25 “Assistance for Europe, Eurasia and Central Asia”, may



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

6 (b) RESTRICTIONS.—

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

10 (2) The authority to hire individuals contained  
11 in subsection (a) shall expire on September 30,  
12 2012.

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

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

1 (e) CONSULTATIONS.—The USAID Administrator  
2 shall consult with the Committees on Appropriations on  
3 a quarterly basis concerning the implementation of this  
4 section.

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

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

21 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of  
22 the funds made available in subsection (a), USAID may  
23 use, in addition to funds otherwise available for such pur-  
24 poses, up to \$15,000,000 to fund overseas support costs  
25 of members of the Foreign Service with a Foreign Service

1 rank of four or below: *Provided*, That such authority is  
2 only used to reduce USAID’s reliance on overseas personal  
3 services contractors or other nondirect hire employees  
4 compensated with funds appropriated to carry out part I  
5 of the Foreign Assistance Act of 1961, including funds  
6 appropriated under the heading “Assistance for Europe,  
7 Eurasia and Central Asia”.

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

17 (j) TECHNICAL ADVISORS.—Up to \$13,500,000 of  
18 the funds made available in title III of this Act for assist-  
19 ance under the heading “Global Health and Child Sur-  
20 vival”, may be used to reimburse United States Govern-  
21 ment agencies, agencies of State governments, institutions  
22 of higher learning, and private and voluntary organiza-  
23 tions for the full cost of individuals (including for the per-  
24 sonal services of such individuals) detailed or assigned to,  
25 or contracted by USAID for the purpose of carrying out

1 activities under that heading: *Provided*, That up to  
2 \$3,500,000 of the funds made available by this Act for  
3 assistance under the heading “Development Assistance”  
4 may be used to reimburse such agencies, institutions, and  
5 organizations for such costs of such individuals carrying  
6 out other development assistance activities.

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

1 (l) HIRING AUTHORITY.—Notwithstanding section  
 2 307 of the Foreign Service Act of 1980, the USAID Ad-  
 3 ministrator may hire up to 85 individuals under the Devel-  
 4 opment Leadership Initiative: *Provided*, That the author-  
 5 ity contained in this subsection shall expire on September  
 6 30, 2012.

7 (m) LOCALLY EMPLOYED STAFF.—Of the funds ap-  
 8 propriated under title II of this Act, up to \$1,000,000,  
 9 in addition to funds otherwise made available for such pur-  
 10 poses, may be made available for special compensation for  
 11 overseas, locally employed staff.

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

19 UNITED STATES AGENCY FOR INTERNATIONAL  
 20 DEVELOPMENT POLICY AND BUDGET

21 SEC. 7055. With respect to funds appropriated in this  
 22 Act under the first paragraph of the heading “Global  
 23 Health and Child Survival” and under the headings “De-  
 24 velopment Assistance”, “International Disaster Assist-  
 25 ance”, “Complex Crises Fund”, “Development Credit Au-

1 thority”, and “Transition Initiatives” for programs,  
2 projects, and activities administered by the United States  
3 Agency for International Development (USAID), the re-  
4 sponsibility for policy decisions for the use of such funds,  
5 including which programs, projects, and activities will be  
6 funded and the amount of funds that will be provided for  
7 each program, project, and activity, shall be the responsi-  
8 bility of the USAID Administrator in consultation with  
9 the Director of Foreign Assistance: *Provided*, That noth-  
10 ing in this section shall be deemed to alter the relationship  
11 between the USAID Administrator and Secretary of State  
12 as established in section 1522 of Public Law 105–277:  
13 *Provided further*, That nothing in this section shall change  
14 USAID’s obligation to provide fiscal data to the Director  
15 of Foreign Assistance in a manner consistent with current  
16 practices.

17           SUSTAINABLE DEVELOPMENT STRATEGIES

18       SEC. 7056. Funds appropriated under the heading  
19 “Development Assistance”, and under the headings “Eco-  
20 nomic Support Fund”, “Democracy Fund”, “Assistance  
21 for Europe, Eurasia and Central Asia”, and “Inter-  
22 national Narcotics Control and Law Enforcement” that  
23 are made available for assistance for the objectives of Gov-  
24 erning Justly and Democratically, Investing in People,  
25 and Economic Growth, shall be made available to support

1 sustainable development strategies in countries that re-  
2 ceive such assistance, and each country strategy: (1) shall  
3 describe the participation and financial and/or in-kind con-  
4 tributions of national and/or local governments, and civil  
5 society organizations, as appropriate, in the design, imple-  
6 mentation and oversight of programs, projects and activi-  
7 ties; (2) shall include clear and achievable goals, bench-  
8 marks for measuring progress, and expected results; (3)  
9 shall describe the types of mechanisms or entities to imple-  
10 ment such strategy; and (4) shall include, as appropriate,  
11 programs, projects and activities to support and promote:  
12 democratic institutions, civil society, budget transparency,  
13 human rights and the rule of law; women's and girls' so-  
14 cial, economic, and political empowerment; basic education  
15 and higher education; safe water and sanitation; agri-  
16 culture and food security; market economies, cooperatives  
17 and credit unions; microenterprise and microfinance; and  
18 the protection of forests and other biodiversity, renewable  
19 energy and energy efficiency, and climate change adapta-  
20 tion: *Provided*, That the Administrator of the United  
21 States Agency for International Development (USAID)  
22 and/or the Secretary of State, as appropriate, shall submit  
23 a summary of each country strategy to the Committees  
24 on Appropriations prior to the disbursement of funds  
25 under this heading.

## GLOBAL HEALTH ACTIVITIES

1  
2       SEC. 7057. Funds appropriated under titles III and  
3 IV of this Act that are made available for bilateral assist-  
4 ance for child survival activities or disease programs in-  
5 cluding activities relating to research on, and the preven-  
6 tion, treatment and control of, HIV/AIDS may be made  
7 available notwithstanding any other provision of law ex-  
8 cept for the provisions under the heading “Global Health  
9 and Child Survival” and the United States Leadership  
10 Against HIV/AIDS, Tuberculosis, and Malaria Act of  
11 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-  
12 ed: *Provided*, That funds appropriated under title III of  
13 this Act that are made available for family planning/repro-  
14 ductive health, should be made available where population  
15 growth threatens biodiversity or adversely effects the ca-  
16 pacity of inhabitants to adapt to the impacts of climate  
17 change, including declines in agricultural productivity and  
18 the availability of water.

## DEVELOPMENT GRANTS PROGRAM

19  
20       SEC. 7058. Of the funds appropriated in title III of  
21 this Act, not less than \$50,000,000 shall be made avail-  
22 able for the Development Grants Program established pur-  
23 suant to section 674 of the Department of State, Foreign  
24 Operations, and Related Programs Appropriations Act,  
25 2008 (division J of Public Law 110–161), to support





## 1 GENDER-BASED VIOLENCE

2 SEC. 7060. (a) Funds appropriated under the head-  
3 ings “Development Assistance”, “Economic Support  
4 Fund”, and “International Narcotics Control and Law  
5 Enforcement” in this Act shall be made available for pro-  
6 grams to address sexual and gender-based violence.

7 (b) Funds appropriated under the headings “Inter-  
8 national Disaster Assistance” and “Migration and Ref-  
9 ugee Assistance” should be made available for gender-  
10 based violence prevention and response efforts, and to  
11 strengthen the capacity nongovernmental organizations to  
12 address such violence.

13 (c) Programs and activities funded under titles III  
14 and IV of this Act to train foreign police, judicial, and  
15 military personnel, including for international peace-  
16 keeping operations, shall include, where appropriate, pre-  
17 vention and response to gender-based violence.

## 18 RECONCILIATION PROGRAMS

19 SEC. 7061. Of the funds appropriated under title III  
20 of this Act under the headings “Economic Support Fund”  
21 and “Development Assistance”, \$25,500,000 shall be  
22 made available to support people to people reconciliation  
23 programs which bring together individuals of different eth-  
24 nic, religious and political backgrounds from areas of civil  
25 strife and war, of which \$10,500,000 shall be made avail-

1 able for such programs in the Middle East: *Provided*, That  
2 the Administrator of the United States Agency for Inter-  
3 national Development shall consult with the Committees  
4 on Appropriations, prior to the initial obligation of funds,  
5 on the most effective uses of such funds.

6   REQUESTS FOR DOCUMENTS

7           SEC. 7062. None of the funds appropriated or made  
8 available under titles III through VI of this Act shall be  
9 available to a nongovernmental organization, including  
10 any contractor, which fails to provide upon timely request  
11 any document, file, or record necessary to the auditing re-  
12 quirements of the United States Agency for International  
13 Development.

14   ENTERPRISE FUNDS

15           SEC. 7063. (a) Prior to the distribution of any assets  
16 resulting from any liquidation, dissolution, or winding up  
17 of an Enterprise Fund, in whole or in part, the President  
18 shall submit to the Committees on Appropriations, in ac-  
19 cordance with the regular notification procedures of the  
20 Committees on Appropriations, a plan for the distribution  
21 of the assets of the Enterprise Fund.

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

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

3 UNITED NATIONS POPULATION FUND

4 SEC. 7064. (a) CONTRIBUTION.—Of the funds made  
5 available under the heading “International Organizations  
6 and Programs” in this Act for fiscal year 2011,  
7 \$55,000,000 shall be made available for the United Na-  
8 tions Population Fund (UNFPA).

9 (b) AVAILABILITY OF FUNDS.—Funds appropriated  
10 by this Act for UNFPA, that are not made available for  
11 UNFPA because of the operation of any provision of law,  
12 shall be transferred to the “Global Health and Child Sur-  
13 vival” account and shall be made available for family plan-  
14 ning, maternal, and reproductive health activities, subject  
15 to the regular notification procedures of the Committees  
16 on Appropriations.

17 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—  
18 None of the funds made available by this Act may be used  
19 by UNFPA for a country program in the People’s Repub-  
20 lic of China.

21 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—  
22 Funds made available by this Act for UNFPA may not  
23 be made available unless—

24 (1) UNFPA maintains funds made available by  
25 this Act in an account separate from other accounts

1 of UNFPA and does not commingle such funds with  
2 other sums; and

3 (2) UNFPA does not fund abortions.

4 OVERSEAS PRIVATE INVESTMENT CORPORATION  
5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 7065. (a) Whenever the President determines  
7 that it is in furtherance of the purposes of the Foreign  
8 Assistance Act of 1961, up to a total of \$20,000,000 of  
9 the funds appropriated under title III of this Act may be  
10 transferred to, and merged with, funds appropriated by  
11 this Act for the Overseas Private Investment Corporation  
12 Program Account, to be subject to the terms and condi-  
13 tions of that account: *Provided*, That such funds shall not  
14 be available for administrative expenses of the Overseas  
15 Private Investment Corporation: *Provided further*, That  
16 designated funding levels in this Act shall not be trans-  
17 ferred pursuant to this section: *Provided further*, That the  
18 exercise of such authority shall be subject to the regular  
19 notification procedures of the Committees on Appropria-  
20 tions.

21 (b) Notwithstanding section 235(a)(2) of the Foreign  
22 Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the au-  
23 thority of subsections (a) through (c) of section 234 of  
24 such Act shall remain in effect through September 30,  
25 2011.

## EXTRADITION

1  
2       SEC. 7066. (a) None of the funds appropriated in this  
3 Act may be used to provide assistance (other than funds  
4 provided under the headings “International Narcotics  
5 Control and Law Enforcement”, “Migration and Refugee  
6 Assistance”, “Emergency Migration and Refugee Assist-  
7 ance”, and “Nonproliferation, Anti-terrorism, Demining  
8 and Related Assistance”) for the central government of  
9 a country which has notified the Department of State of  
10 its refusal to extradite to the United States any individual  
11 indicted for a criminal offense for which the maximum  
12 penalty is life imprisonment without the possibility of pa-  
13 role or for killing a law enforcement officer, as specified  
14 in a United States extradition request.

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

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

## 1 CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

2 SEC. 7067. (a) IN GENERAL.—Of the funds appro-  
3 priated by this Act, up to \$1,450,500,000 may be made  
4 available for programs and activities to—

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

7 (2) support climate change adaptation; and

8 (3) protect biodiversity, including tropical for-  
9 ests, and other critical landscapes.

10 (b) CLEAN ENERGY PROGRAMS.—Funds appro-  
11 priated by this Act under the headings “Development As-  
12 sistance”, “Economic Support Fund”, and “Assistance for  
13 Europe, Eurasia and Central Asia” for clean energy pro-  
14 grams and activities, may be made available only to pro-  
15 mote the sustainable use of renewable energy technologies  
16 and end-use energy efficiency technologies, carbon seques-  
17 tration, and carbon accounting.

18 (c) ADAPTATION PROGRAMS.—Funds appropriated  
19 by this Act shall be made available for United States con-  
20 tributions to the Least Developed Countries Fund and the  
21 Special Climate Change Fund to support adaptation pro-  
22 grams and activities, if the Global Environment Facility  
23 makes publicly available on its Web site the criteria used  
24 to determine which programs and activities receive funds,  
25 the manner in which such programs and activities meet

1 such criteria, the extent of local involvement in such pro-  
2 grams and activities, the amount of funds provided, and  
3 the results achieved.

4 (d) SUSTAINABLE LANDSCAPES AND BIODIVER-  
5 SITY.—

6 (1) Of the funds appropriated under title III of  
7 this Act, not less than \$150,000,000 shall be made  
8 available for sustainable landscapes programs to re-  
9 duce emissions from deforestation and degradation  
10 (REDD); and not less than \$215,200,000 shall be  
11 made available for programs and activities which di-  
12 rectly protect forests and other biodiversity, in devel-  
13 oping countries, of which not less than \$35,000,000  
14 shall be made available for the United States Agency  
15 for International Development's (USAID) conserva-  
16 tion programs in the Amazon of which not less than  
17 \$10,000,000 shall be for strengthening the capacity  
18 of indigenous organizations, and of which not less  
19 than \$19,000,000 shall be made available for the  
20 Congo Basin Forest Partnership (CBFP) of which  
21 \$9,000,000 shall be transferred to the United States  
22 Fish and Wildlife Service.

23 (2) Funds appropriated under title III of this  
24 Act for the Amazon, CBFP, and other tropical for-  
25 est and REDD programs administered by USAID



1 shall be made available for grants or contracts in  
2 amounts not exceeding \$2,000,000, and shall be  
3 used, particularly in countries demonstrating leader-  
4 ship and progress in implementing national strate-  
5 gies to protect tropical forests and sustainably man-  
6 age natural resources, and in recognizing the rights  
7 of indigenous peoples and local communities, to: (1)  
8 ensure meaningful participation by, and respect for  
9 the rights of, indigenous peoples and local commu-  
10 nities in forest management activities, and increase  
11 the amount of forest under their management; (2)  
12 substantially increase and effectively manage pro-  
13 tected areas and contiguous buffer zones; (3) pro-  
14 mote nontimber sources of revenue; (4) maintain na-  
15 tive biodiversity; (5) increase land use and tenure se-  
16 curity for indigenous peoples and local communities;  
17 (6) promote small- to medium-scale local enterprises  
18 that maintain or restore the ecological functions and  
19 carbon stocks of forests; (7) strengthen law enforce-  
20 ment, including the role of civil society in monitoring  
21 and oversight; and (8) support programs and activi-  
22 ties related to implementation and enforcement of  
23 section 8204 of Public Law 110–246: *Provided fur-*  
24 *ther*, That none of the funds appropriated under title  
25 III of this Act may be made available to support in-

1 industrial-scale logging operations that would result in  
2 deforestation, forest degradation, or a decrease in  
3 carbon stocks in natural tropical forests, or policies  
4 that promote such operations: *Provided further*, That  
5 funds appropriated by this Act to carry out the pro-  
6 visions of sections 103 through 106, and chapter 4  
7 of part II, of the Foreign Assistance Act of 1961  
8 may be used, notwithstanding any other provision of  
9 law except for the provisions of this section and sub-  
10 ject to the regular notification procedures of the  
11 Committees on Appropriations, to support climate  
12 change and environment programs.

13 (e) CONSULTATION.—Funds made available pursuant  
14 to this section are subject to prior consultation with, and  
15 the regular notification procedures of, the Committees on  
16 Appropriations: *Provided*, That prior to the obligation of  
17 funds appropriated by this Act for contributions to the  
18 Forest Carbon Partnership Facility and the Forest Invest-  
19 ment Program, the Secretary of State and/or the Sec-  
20 retary of the Treasury, as appropriate, shall determine  
21 and report to the Committees on Appropriations that  
22 there have been meaningful consultations by the World  
23 Bank with interested civil society and indigenous organiza-  
24 tions.

25 (f) EXTRACTION OF NATURAL RESOURCES.—

1           (1) Funds appropriated by this Act shall be  
2           made available to promote and support transparency  
3           and accountability of expenditures and revenues re-  
4           lated to the extraction of timber, oil and gas, cacao  
5           and other natural resources, including by strength-  
6           ening implementation and monitoring of the Extrac-  
7           tive Industries Transparency Initiative and the Kim-  
8           berley Process Certification Scheme, and by pro-  
9           viding technical assistance to promote independent  
10          audit mechanisms and support civil society partici-  
11          pation in natural resource management.

12           (2) The Secretary of the Treasury or the Sec-  
13          retary of State, as appropriate, shall—

14                   (A) instruct the United States Executive  
15                   Director of each international financial institu-  
16                   tion and the United States representatives to all  
17                   forest-related multilateral mechanisms and  
18                   processes including the Forest Carbon Partner-  
19                   ship Facility, the Forest Investment Program,  
20                   and the United Nations Framework Convention  
21                   on Climate Change, to oppose any policy, deci-  
22                   sion, loan, credit, grant, or guarantee—

23                           (i) for the extraction and export of  
24                           natural resources unless the government of

1 the country has in place functioning sys-  
2 tems for—

3 (I) accurately accounting for pay-  
4 ments for companies involved in the  
5 extraction and export of natural re-  
6 sources;

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

11 (III) verifying government re-  
12 ceipts against company payments in-  
13 cluding public disclosure of such pay-  
14 ment information, and of such docu-  
15 ments as Host Government Agree-  
16 ments, Concession Agreements, and  
17 bidding documents, allowing in any  
18 such disclosure for the redaction of, or  
19 exceptions for, information that is  
20 commercially proprietary or that  
21 would create competitive disadvan-  
22 tage; and

23 (ii) to support industrial-scale logging  
24 operations that would result in deforest-  
25 ation, forest degradation, or a decrease in

1 carbon stocks in natural tropical forests, or  
2 policies that promote such operations; and  
3 (B) request the World Bank to commission  
4 an independent evaluation of the impact of the  
5 Bank's current forest policy on poverty allevi-  
6 ation, deforestation, and forest degradation at  
7 the local and national levels, and the expected  
8 carbon emissions that will result from the im-  
9 plementation of such policy, and post the find-  
10 ings on the Bank's Web site not later than 1  
11 year after enactment of this Act.

12 (3) Not later than 180 days after the enact-  
13 ment of this Act, the Secretary of the Treasury shall  
14 submit a report to the Committees on Appropria-  
15 tions describing, for each international financial in-  
16 stitution, the amount and type of assistance pro-  
17 vided, by country, for the extraction and export of  
18 natural resources in the preceding 12 months, and  
19 whether each institution considered, in its proposal  
20 for such assistance, the extent to which the country  
21 has functioning systems described in paragraph  
22 (2)(A)(i).

23 (g) CLEAN TECHNOLOGY FUND.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—For  
25 fiscal year 2011, up to \$370,000,000 is authorized

1 to be appropriated for a United States contribution  
2 to the Clean Technology Fund (the Fund).

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

6 (A) the Fund does not provide more than  
7 15 percent of Fund resources to any one coun-  
8 try;

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

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

1 tion and Development Only” status, shall have  
2 at least 25 percent of its total cost for public  
3 sector activities contributed from public funds  
4 of the recipient country; and

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

13 (3) DEFINITIONS.—For purposes of this sub-  
14 section—

15 (A) NET REDUCTIONS.—The term “net re-  
16 ductions” refers to the extent to which a project  
17 or program supported under this subsection re-  
18 sults in lower greenhouse gas emissions than  
19 would be emitted by the same entity or sector  
20 in the same country in the absence of the  
21 Fund’s project, taking into account, unless im-  
22 practicable, effects beyond the physical bound-  
23 aries of the project or program that result from  
24 project or program activities.

1 (B) PUBLIC FUNDS.—The term “public  
2 funds” may include sovereign loans assumed by  
3 the recipient country to contribute to the fi-  
4 nancing of the investment plan.

5 (C) CLEAN ENERGY TECHNOLOGY.—The  
6 term “clean energy technology” means a tech-  
7 nology that, as compared with technologies  
8 being deployed at that time for widespread com-  
9 mercial use in the country involved—

10 (i) achieves substantial reductions in  
11 greenhouse gas emissions;

12 (ii) does not result in significant in-  
13 cremental adverse effects on public health  
14 or the environment; and

15 (iii) does one or more of the following:

16 (I) generates electricity or useful  
17 thermal energy from a renewable re-  
18 source;

19 (II) substantially increases the  
20 energy efficiency of buildings, indus-  
21 trial, or agricultural processes, or of  
22 electricity transmission, distribution,  
23 or end-use consumption; or

24 (III) substantially increases the  
25 energy efficiency of the transportation



1 system or increases utilization of  
2 transportation fuels that have lifecycle  
3 greenhouse gas emissions that are  
4 substantially lower than those attrib-  
5 utable to fossil fuel-based alternatives.

6 COMMERCIAL LEASING OF DEFENSE ARTICLES

7 SEC. 7068. The second sentence of section 23(a) of  
8 the Arms Export Control Act, as amended, (Public Law  
9 96–29) is further amended by striking “and Egypt” and  
10 inserting “, Egypt, and NATO and major non-NATO al-  
11 lies”.

12 ANTI-KLEPTOCRACY

13 SEC. 7069. (a) In furtherance of the National Strat-  
14 egy to Internationalize Efforts Against Kleptocracy and  
15 Presidential Proclamation 7750, the Secretary of State  
16 shall compile and maintain a list of officials of foreign gov-  
17 ernments and their immediate family members who the  
18 Secretary has credible evidence have been involved in cor-  
19 ruption relating to the extraction of natural resources in  
20 their countries, and shall notify all relevant Federal de-  
21 partments and agencies of the placement of any individual  
22 on the list.

23 (b) Any individual on the list compiled under sub-  
24 section (a) shall be ineligible for admission to the United  
25 States for a period of 5 years.

1           (c) At the end of each period of ineligibility under  
2 subsection (b), the Secretary of State shall undertake a  
3 review to determine if the individual should remain on the  
4 list for another period of 5 years, or whether changed cir-  
5 cumstances justify removal of the individual from the list.

6           (d) If the Secretary of State determines that another  
7 period of ineligibility is justified, the Secretary shall refer  
8 the case to the Department of Treasury for the purpose  
9 of determining whether or not sufficient evidence exists  
10 to freeze or seize the individual's property within the juris-  
11 diction of the United States.

12          (e) The Secretary may waive the application of sub-  
13 sections (b) and (d) if the Secretary determines that ad-  
14 mission to the United States is necessary to attend United  
15 Nations events or to further important United States law  
16 enforcement, foreign policy, or national security objectives.

17          (f) Not later than 90 days after enactment of this  
18 Act and 180 days thereafter, the Secretary of State shall  
19 submit a report, in classified form if necessary, to the  
20 Committees on Appropriations describing the evidence of  
21 corruption concerning individuals listed pursuant to sub-  
22 section (a), which shall include a list of any waivers pro-  
23 vided under subsection (e), and the justification for each  
24 waiver.

## 1 INTERNATIONAL PRISON CONDITIONS

2 SEC. 7070. (a) Not later than 180 days after enact-  
3 ment of this Act, the Secretary of State shall submit to  
4 the Committees on Appropriations a report, which shall  
5 also be made publicly available including on the Depart-  
6 ment of State's Web site, describing the conditions in pris-  
7 ons and other detention facilities in countries receiving  
8 United States assistance where the Assistant Secretary of  
9 State for Democracy, Human Rights and Labor has deter-  
10 mined, based on the Department of State's most recent  
11 Human Rights Report and any other relevant information,  
12 arbitrary detention and/or cruel, inhumane or degrading  
13 treatment of prisoners or detainees, or inhumane prison  
14 conditions, is common, and identifying those countries, if  
15 any, whose governments the Assistant Secretary deter-  
16 mines are making significant efforts to eliminate inhu-  
17 mane conditions and those countries whose governments  
18 the Assistant Secretary determines are not making such  
19 efforts.

20 (b) For purposes of each determination made pursu-  
21 ant to subsection (a), the Assistant Secretary shall con-  
22 sider whether:

23 (1) the number of prisoners or detainees does  
24 not so exceed prison capacity such that per capita

1 floor space is sufficient to allow for humane sleeping  
2 conditions and reasonable physical movement;

3 (2) human waste facilities are sanitary and ac-  
4 cessible, and human waste is disposed of regularly  
5 and in a sanitary manner;

6 (3) the lighting, ventilation, temperature and  
7 physical construction of prisons and other detention  
8 facilities do not seriously endanger health and safe-  
9 ty;

10 (4) prisoners and other detainees have access to  
11 adequate food and safe drinking water;

12 (5) prisoners and detainees have access to basic  
13 and emergency medical care;

14 (6) to the maximum extent practicable, pris-  
15 oners and detainees are allowed reasonable contact  
16 with visitors and permitted religious observance;

17 (7) the government permits prisoners and de-  
18 tainees to submit complaints to judicial authorities  
19 without censorship, investigates credible allegations  
20 of inhumane conditions, and documents the results  
21 of such investigations in a manner that is publicly  
22 accessible;

23 (8) the government is regularly monitoring the  
24 conditions of prisons and other detention facilities  
25 under its authority, including cooperating with inter-

1 national experts on eliminating inhumane conditions,  
2 and such information is available to the Secretary of  
3 State;

4 (9) the government is appointing ombudsmen to  
5 serve on behalf of prisoners and detainees, providing  
6 alternatives to incarceration for nonviolent offenders  
7 to alleviate inhumane overcrowding, addressing the  
8 status and circumstances of confinement of juve-  
9 niles, improving pre-trial detention practices, bail  
10 and record keeping procedures to reduce pre-trial  
11 detention periods and to ensure that prisoners do  
12 not serve beyond the maximum sentence for the  
13 charged offense; and

14 (10) the government is increasing the amount  
15 of government resources to eliminate inhumane con-  
16 ditions.

17 (c) Funds appropriated by this Act to carry out the  
18 provisions of chapters 1 and 11 of part I and chapter 4  
19 of part II of the Foreign Assistance Act of 1961, and the  
20 Support for East European Democracy (SEED) Act of  
21 1989, shall be made available, notwithstanding section  
22 660 of the Foreign Assistance Act of 1961, for assistance  
23 to help eliminate inhumane conditions in prisons and other  
24 detention facilities administered by foreign governments

1 that the Assistant Secretary of State determines are mak-  
2 ing significant efforts to eliminate such conditions.

3 (d) The Secretary of State shall designate a Deputy  
4 Assistant Secretary of State in the Bureau of Democracy,  
5 Human Rights and Labor to have primary responsibility  
6 for diplomatic efforts related to international prison condi-  
7 tions.

8 PREVENTION OF TORTURE

9 SEC. 7071. (a) REPORT.—Not later than 90 days  
10 after enactment of this Act, the Secretary of State shall  
11 submit to the Committees on Appropriations a report  
12 identifying those countries whose police, military, or other  
13 security forces, as determined by the Assistant Secretary  
14 of State for Democracy, Human Rights and Labor based  
15 on the Department of State's most recent Human Rights  
16 Report and other relevant information, use torture, and  
17 those countries, if any, whose governments the Assistant  
18 Secretary determines are making significant efforts to  
19 eliminate torture and those countries whose governments  
20 the Assistant Secretary determines are not making such  
21 efforts.

22 (b) ASSISTANCE.—Funds appropriated by this Act to  
23 carry out the provisions of chapters 1, 10, 11, and 12 of  
24 part I and chapter 4 of part II of the Foreign Assistance  
25 Act of 1961, and the Support for East European Democ-

1 racy (SEED) Act of 1989, shall be made available, not-  
2 withstanding section 660 of the Foreign Assistance Act  
3 of 1961, for assistance to help eliminate torture by foreign  
4 police, military and other security forces in countries  
5 whose governments the Assistant Secretary of State deter-  
6 mines are making significant efforts to eliminate torture.

7 (c) PROHIBITIONS.—

8 (1) None of the funds appropriated by this Act  
9 shall be used in any way whatsoever to support or  
10 justify the use of torture, cruel or inhumane treat-  
11 ment by any official or contract employee of the  
12 United States Government.

13 (2) None of the funds appropriated in this Act  
14 shall be made available for assistance for any unit  
15 of a foreign security force if the Secretary of State  
16 has credible information that such unit has used tor-  
17 ture, unless the Secretary certifies to the Commit-  
18 tees on Appropriations that the foreign government  
19 is—

20 (A) investigating such allegations;

21 (B) suspending individuals who have been  
22 credibly alleged to have ordered, carried out, or  
23 condoned such acts; and

24 (C) prosecuting and punishing those re-  
25 sponsible.

1 (d) DEFINITION.—For purposes of this section,  
2 “making significant efforts” includes enacting legal prohi-  
3 bitions on the use of torture, training police, military, and  
4 other security force personnel on lawful interrogation tech-  
5 niques, and punishing those who use torture.

6 TRANSPARENCY AND ACCOUNTABILITY

7 SEC. 7072. (a) UNITED NATIONS.—Funds appro-  
8 priated by this Act shall be available to continue to sup-  
9 port efforts to promote transparency and accountability  
10 at the United Nations, including access to audits and pro-  
11 gram information, as appropriate: *Provided*, That the Sec-  
12 retary of State, following consultation with the Commit-  
13 tees on Appropriations, may withhold from obligation  
14 funds appropriated under the heading “International Or-  
15 ganizations and Programs” for a United States contribu-  
16 tion to a United Nations organization or agency if the Sec-  
17 retary determines that such organization or agency is not  
18 adequately implementing reforms to increase transparency  
19 and accountability.

20 (b) INTERNATIONAL MONETARY FUND.—The terms  
21 and conditions of section 7086(b) of division F of Public  
22 Law 111–117 shall apply to this Act.

23 (c) NATIONAL BUDGET AND CONTRACT TRANS-  
24 PARENCY.—



1           (1) None of the funds appropriated under titles  
2           III and IV of this Act may be made available for as-  
3           sistance for the central government of any country  
4           that fails to publicly disclose on an annual basis its  
5           national budget, to include income and expenditures  
6           by ministry, and government contracts and licenses  
7           for natural resource exploitation, to include bidding  
8           and concession allocation practices.

9           (2) The Secretary of State may waive the prohi-  
10          bition in paragraph (1) on a country-by-country  
11          basis if the Secretary reports to the Committees on  
12          Appropriations that to do so is important to the na-  
13          tional interests of the United States: *Provided*, That  
14          any such report shall include comprehensive, current  
15          data on the country's budget transparency; identify  
16          any steps taken by such government to publicly dis-  
17          close its national budget which are additional to  
18          those which were undertaken in previous fiscal  
19          years; include specific recommendations of short-  
20          and long-term steps that the government can take to  
21          improve budget transparency; and identify bench-  
22          marks for measuring progress in countries that re-  
23          ceive such waivers.

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



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

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

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

13 PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

14 SEC. 7074. None of the funds made available in this  
15 Act may be used for first-class travel by employees of  
16 agencies funded by this Act in contravention of sections  
17 301–10.122 through 301–10.124 of title 41, Code of Fed-  
18 eral Regulations.

19 MILLENNIUM CHALLENGE CORPORATION COMPACTS

20 SEC. 7075. (a) EXTENSION OF COMPACTS.—Section  
21 609(j) of the Millennium Challenge Act of 2003 (22  
22 U.S.C. 7708(j)) is amended to read as follows:

23 “(j) EXTENSION OF COMPACT.—

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

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

6                 “(A) determines that a project included in  
7 the Compact cannot be completed within 5  
8 years; and

9                 “(B) approves an extension of the Compact  
10 that does not extend the total duration of the  
11 Compact beyond 7 years.

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

18                 “(A) notify the Committees on Appropria-  
19 tions, the Committee on Foreign Relations of  
20 the Senate and the Committee on Foreign Af-  
21 fairs of the House of Representatives, of its in-  
22 tent to approve such extension; and

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

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

4 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

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

10 “(2) REQUIREMENTS.—An eligible country and  
11 the United States may enter into concurrent or sub-  
12 sequent Compacts if the Board determines that such  
13 country—

14 “(A) is making significant, consistent  
15 progress in implementing the terms of its exist-  
16 ing Compact(s) and supplementary agreements  
17 to such Compact(s); and

18 “(B) will contribute, in the case of an Low  
19 Income Country as defined in section 606(a),  
20 not less than a 7.5 percent contribution of the  
21 total amount agreed upon for a subsequent  
22 Compact, or in the case of an Lower Middle In-  
23 come Country (LMIC) as defined in section  
24 606(b), a 15 percent contribution for a subse-  
25 quent Compact.

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

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

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

10          (c) APPLICABILITY.—The amendments made by sub-  
11          section (a) shall apply with respect to Compacts entered  
12          into between the United States and an eligible country  
13          under the Millennium Challenge Act of 2003 (22 U.S.C.  
14          7701 et seq.) before, on or after enactment of this Act,  
15          and those made by subsection (b) shall apply prospectively  
16          to new compacts.

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

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

1           (2) Section (a)(1)(A) is stricken and replaced  
2           with the following: “The country has a per capita in-  
3           come equal to or below the World Bank’s lower mid-  
4           dle income country threshold for the fiscal year in-  
5           volved and is among the 75 lowest per capita income  
6           countries as identified by the World Bank; and”;

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

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

14          (e) Section 606 is amended by inserting the fol-  
15          lowing—

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

1 BUYING POWER MAINTENANCE, INTERNATIONAL  
2 ORGANIZATIONS

3 SEC. 7076. (a) There may be established in the  
4 Treasury of the United States a “Buying Power Mainte-  
5 nance, International Organizations” account.

6 (b) At the end of each fiscal year, the Secretary of  
7 State may transfer to, and merge with, “Buying Power  
8 Maintenance, International Organizations” such amounts  
9 from “Contributions to International Organizations” as  
10 the Secretary determines are in excess of the needs of ac-  
11 tivities funded from “Contributions to International Orga-  
12 nizations” because of fluctuations in foreign currency ex-  
13 change rates.

14 (c) In order to offset adverse fluctuations in foreign  
15 currency exchange rates, the Secretary of State may  
16 transfer to, and merge with, “Contributions to Inter-  
17 national Organizations” such amounts from “Buying  
18 Power Maintenance, International Organizations” as the  
19 Secretary determines are necessary to provide for the ac-  
20 tivities funded from “Contributions to International Orga-  
21 nizations”.

22 (d)(1) Subject to the limitations contained in this sec-  
23 tion, not later than the end of the fifth fiscal year after  
24 the fiscal year for which funds are appropriated or other-  
25 wise made available for “Contributions to International



1 Organizations”, the Secretary of State may transfer any  
2 unobligated balance of such funds to the “Buying Power  
3 Maintenance, International Organizations” account.

4 (2) The balance of the Buying Power Maintenance,  
5 International Organizations account may not exceed  
6 \$100,000,000 as a result of any transfer under this sub-  
7 section.

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

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

17 (2) The transfer authorities in this section shall be  
18 available for funds appropriated for fiscal year 2011 and  
19 for each fiscal year thereafter, and are in addition to any  
20 transfer authority otherwise available to the Department  
21 of State under other provisions of law.

22 BORDER CROSSING CARD FEE FOR MINORS

23 SEC. 7077. Section 410(a)(1)(A) of title IV of the  
24 Department of State and Related Agencies Appropriations  
25 Act, 1999 (contained in division A of Public Law 105–

1 277) is amended by striking “a fee of \$13” and inserting  
2 “a fee of not to exceed half the amount of the fee that  
3 would otherwise apply for processing a machine readable  
4 combined border crossing identification card and non-  
5 immigrant visa, and may be increased not more than 50  
6 percent in a fiscal year”.

7 REFUGEE PROCESSING

8 SEC. 7078. (a) ADJUSTMENT OF STATUS.—Section  
9 209(a)(1) of the Immigration and Nationality Act (8  
10 U.S.C. 1159) is amended in the matter following subpara-  
11 graph (C)—

12 (1) by striking “or be returned to the custody  
13 of” and inserting “to”; and

14 (2) by striking “for inspection and examina-  
15 tion” and inserting “to be inspected and examined”.

16 (b) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) shall take effect on the date of enactment  
18 of this Act.

19 VISA ELIGIBILITY FOR INTERNATIONAL CHILD  
20 ABDUCTION

21 SEC. 7079. Section 212(a)(10)(C)(iii) of the Immi-  
22 gration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(iii))  
23 is amended—

24 (1) in subclause (I), by adding “or” at the end;

1           (2) in subclause (II), by striking “; or” at the  
2           end and inserting a period; and

3           (3) by striking subclause (III).

4           ELIMINATION OF ARBITRARY TIME LIMITS

5           SEC. 7080. Section 208(a)(2) of the Immigration and  
6           Nationality Act (8 U.S.C. 1158(a)(2)) is amended—

7           (1) by striking subparagraph (B);

8           (2) by redesignating subparagraphs (C) and  
9           (D) as subparagraphs (B) and (C), respectively;

10          (3) in subparagraph (B), as redesignated, by  
11          striking “subparagraph (D)” and inserting “sub-  
12          paragraphs (C) and (D)”; and

13          (4) by striking subparagraph (C), as redesign-  
14          ated, and inserting the following:

15                 “(C) CHANGED CIRCUMSTANCES.—Not-  
16                 withstanding subparagraph (B), an application  
17                 for asylum of an alien may be considered if the  
18                 alien demonstrates, to the satisfaction of the  
19                 Attorney General, the existence of changed cir-  
20                 cumstances that materially affect the appli-  
21                 cant’s eligibility for asylum.”.

22                 “(D) MOTION TO REOPEN DENIED ASYLUM  
23                 CLAIM.—Notwithstanding subparagraph (B) or  
24                 section 240(c)(7), an alien may file a motion to  
25                 reopen an asylum claim during the 2-year pe-

1           riod beginning on the date of enactment of this  
2           subparagraph if the alien—

3                   “(I) was denied asylum based solely  
4                   upon a failure to meet the 1-year applica-  
5                   tion filing deadline in effect on the date on  
6                   which the application was filed;

7                   “(II) was granted withholding of re-  
8                   moval to the alien’s country of nationality  
9                   (or, if stateless, to the country of last ha-  
10                  bitual residence under section 241(b)(3));

11                  “(III) has not obtained lawful perma-  
12                  nent residence in the United States pursu-  
13                  ant to any other provision of law;

14                  “(IV) is not subject to a bar to asy-  
15                  lum under section 208(b)(2) and should  
16                  not be denied asylum as a matter of discre-  
17                  tion; and

18                  “(V) is physically present in the  
19                  United States.”; and

20                  (5) in subparagraph (E), by striking “subpara-  
21                  graphs (A) and (B)” and inserting “subparagraph  
22                  (A)”.

## 1 STATELESS PERSONS

2 SEC. 7081. (a) IN GENERAL.—Chapter 1 of title II  
3 of the Immigration and Nationality Act (8 U.S.C. 1151  
4 et seq.) is amended by adding at the end the following:

5 **“SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE**  
6 **UNITED STATES.**

7 “(a) DEFINED TERM.—

8 “(1) IN GENERAL.—In this section, the term  
9 ‘de jure stateless person’ means an individual who is  
10 not considered a national under the laws of any  
11 country.

12 “(2) DESIGNATION OF SPECIFIC DE JURE  
13 GROUPS.—The Secretary of Homeland Security may  
14 designate specific groups of individuals who are con-  
15 sidered de jure stateless persons, for purposes of this  
16 section.

17 “(b) MECHANISMS FOR REGULARIZING THE STATUS  
18 OF STATELESS PERSONS.—

19 “(1) RELIEF FOR INDIVIDUALS DETERMINED  
20 TO BE DE JURE STATELESS PERSONS.—The Sec-  
21 retary of Homeland Security or the Attorney Gen-  
22 eral may cancel removal or provide conditional law-  
23 ful status to an alien who is otherwise inadmissible  
24 or deportable from the United States if the alien—

25 “(A) is a de jure stateless person;

1           “(B) applies for such relief;

2           “(C) is not inadmissible under paragraph  
3 (2) or (3) of section 212(a);

4           “(D) is not deportable under paragraph  
5 (2), (3), or (4) of section 237(a); and

6           “(E) is not described in section  
7 241(b)(3)(C)(i).

8           “(2) WAIVERS.—

9           “(A) AUTOMATIC WAIVERS.—In deter-  
10 mining an alien’s eligibility for relief under  
11 paragraph (1), paragraphs (4), (5), (6)(A),  
12 (7)(A), and (9) of section 212(a) shall not  
13 apply.

14           “(B) APPLICATION.—An alien seeking re-  
15 lief under paragraph (1) may apply to the Sec-  
16 retary or the Attorney General for a waiver of  
17 any of the grounds set forth in subparagraph  
18 (C) and (D) of paragraph (1).

19           “(C) OTHER WAIVERS.—The Secretary or  
20 the Attorney General may waive any other  
21 ground of inadmissibility or deportability (ex-  
22 cept for section 241(b)(3)(C)(i)) with respect to  
23 such an applicant, including felony convictions  
24 and health conditions, if such waiver—

1                   “(i) is justified by humanitarian pur-  
2                   poses;

3                   “(ii) would ensure family unity; or

4                   “(iii) is otherwise in the public inter-  
5                   est.

6                   “(3) WORK AUTHORIZATION.—The Secretary  
7                   may—

8                   “(A) authorize an alien who has applied  
9                   for relief under paragraph (1) to engage in em-  
10                  ployment in the United States while such appli-  
11                  cation is being considered; and

12                  “(B) provide such applicant with an em-  
13                  ployment authorized endorsement or other ap-  
14                  propriate document signifying authorization of  
15                  employment.

16                  “(4) DEPENDENT SPOUSES AND CHILDREN.—  
17                  The spouse, child, or unmarried son or daughter of  
18                  an alien who has been granted conditional lawful  
19                  status under paragraph (1) may apply for condi-  
20                  tional lawful status under this section as a depend-  
21                  ent if—

22                  “(A) the dependent properly files an appli-  
23                  cation for such status;

1           “(B) the dependent is physically present in  
2           the United States on the date on which such  
3           application is filed;

4           “(C) the dependent meets the eligibility  
5           criteria set forth in paragraph (1); and

6           “(D) the qualifying relationship to the  
7           principal beneficiary existed on the date on  
8           which such alien was granted conditional lawful  
9           status.

10          “(c) ADJUSTMENT OF STATUS.—

11           “(1) INSPECTION AND EXAMINATION.—At the  
12           end of the 5-year period beginning on the date on  
13           which an alien has been granted conditional lawful  
14           status under subsection (b), the alien may apply for  
15           lawful permanent residence in the United States if—

16           “(A) the alien has been physically present  
17           in the United States for at least 5 years;

18           “(B) the alien’s conditional lawful status  
19           has not been terminated by the Secretary of  
20           Homeland Security or the Attorney General,  
21           pursuant to such regulations as the Secretary  
22           or the Attorney General may prescribe; and

23           “(C) the alien has not otherwise acquired  
24           permanent resident status.



1           “(2) REQUIREMENTS FOR ADJUSTMENT.—The  
2           Secretary or the Attorney General, under such regu-  
3           lations as the Secretary or the Attorney General  
4           may prescribe, may adjust the status of an alien  
5           granted conditional lawful status under subsection  
6           (b) to that of an alien lawfully admitted for perma-  
7           nent residence if such alien—

8                   “(A) is a de jure stateless person;

9                   “(B) properly applies for such adjustment  
10                  of status;

11                  “(C) has been physically present in the  
12                  United States for at least 5 years after being  
13                  granted conditional lawful status under sub-  
14                  section (b);

15                  “(D) is not firmly resettled in any foreign  
16                  country; and

17                  “(E) is admissible (except as otherwise  
18                  provided under subsection (b)(2)) as an immi-  
19                  grant under this chapter at the time of exam-  
20                  ination of such alien for adjustment of status.

21           “(3) PROVING THE CLAIM.—In determining an  
22           alien’s eligibility for adjustment of status under this  
23           subsection, the Secretary or the Attorney General  
24           shall consider any credible evidence relevant to the  
25           application. The determination of what evidence is

1 credible and the weight to be given that evidence  
2 shall be within the sole discretion of the Secretary  
3 or the Attorney General.

4 “(4) RECORD.—Upon approval of an applica-  
5 tion under this subsection, the Secretary or the At-  
6 torney General shall establish a record of the alien’s  
7 admission for lawful permanent residence as of the  
8 date that is 5 years before the date of such approval.

9 “(d) REVIEW.—

10 “(1) ADMINISTRATIVE REVIEW.—The Attorney  
11 General shall provide applicants for relief under this  
12 section the same right to, and procedures for, ad-  
13 ministrative review as are provided to aliens subject  
14 to removal proceedings under section 240.

15 “(2) JUDICIAL REVIEW.—The United States  
16 Court of Appeals shall—

17 “(A) sustain a final decision denying relief  
18 under this section unless it is contrary to law,  
19 an abuse of discretion, or not supported by sub-  
20 stantial evidence; and

21 “(B) decide the petition only on the admin-  
22 istrative record on which the denial of relief is  
23 based.

24 “(3) MOTIONS TO REOPEN.—Notwithstanding  
25 any limitation imposed by law on motions to reopen

1 removal or deportation proceedings, any individual  
 2 who is eligible for relief under this section may file  
 3 1 motion to reopen removal or deportation pro-  
 4 ceedings in order to apply for relief under this sec-  
 5 tion.”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
 7 for the Immigration and Nationality Act is amended by  
 8 inserting after the item relating to section 210 the fol-  
 9 lowing:

“Sec. 210A. Protection of stateless persons in the United States.”.

10 PETITION REVIEW

11 SEC. 7082. (a) IN GENERAL.—Notwithstanding any  
 12 other provision of law, on the date of enactment of this  
 13 Act and thereafter, a Federal court shall have jurisdiction  
 14 to review the merits of a petition filed by an individual  
 15 sentenced to a term of life in prison or death, claiming  
 16 that a violation of Article 36(1)(b) or (c) of the Vienna  
 17 Convention on Consular Relations resulted in actual preju-  
 18 dice to the criminal conviction or sentence, and may con-  
 19 duct evidentiary hearings at its discretion: *Provided*, That  
 20 upon a finding of actual prejudice, the court shall fashion  
 21 appropriate relief, including ordering a new trial or sen-  
 22 tencing proceeding.

23 (b) FILING DEADLINE.—

24 (1) A petition for review under this section  
 25 must be filed within 1 year of the later of—

1 (A) the date of enactment of this Act;

2 (B) the date on which the petitioner's  
3 State court judgment became final by the con-  
4 clusion of direct review or the expiration of the  
5 time for seeking such review; or

6 (C) the date on which the impediment to  
7 filing a petition created by State action in viola-  
8 tion of the Constitution or laws of the United  
9 States is removed, if the petitioner was pre-  
10 vented from filing by such State action;

11 (2) The time during which a properly filed ap-  
12 plication for State post-conviction or other collateral  
13 review with respect to the pertinent judgment or  
14 claim is pending shall not be counted toward the 1-  
15 year period of limitation.

16 (c) LIMITATION.—A petition for review under this  
17 section must be part of a petitioner's first habeas corpus  
18 application under chapter 153 of title 28, except that if  
19 a petitioner has already filed a habeas corpus application  
20 by the date of enactment of this Act or if such application  
21 must be filed prior to 1 year after the date of enactment  
22 of this Act, such petition for review under this section  
23 must be filed within 1 year of the date of enactment of  
24 this Act and it shall not be considered a second or succes-  
25 sive habeas corpus application.

## 1 GLOBAL WOMEN'S ISSUES

2 SEC. 7083. (a) DEPARTMENT OF STATE OFFICE FOR  
3 GLOBAL WOMEN'S ISSUES.—There is established, in the  
4 Office of the Secretary of State, the Office for Global  
5 Women's Issues (the Office). The Secretary of State may  
6 assign appropriate staff with relevant technical and oper-  
7 ational expertise to the Office to carry out the purposes  
8 of this section.

9 (b) AMBASSADOR-AT-LARGE FOR GLOBAL WOMEN'S  
10 ISSUES.—The Office shall be headed by an Ambassador-  
11 at-Large for Global Women's Issues (the Ambassador),  
12 who shall be appointed by the President, by and with the  
13 advice and consent of the Senate; report directly to the  
14 Secretary of State; and have the rank and status of Am-  
15 bassador-at-Large.

16 (1) DUTIES.—The Ambassador is authorized  
17 to—

18 (A) coordinate, advise on, promote and,  
19 where relevant, design and implement, activi-  
20 ties, policies, programs, and funding of relevant  
21 bureaus and offices of the Department of State,  
22 and other relevant Executive Branch agencies,  
23 which relate to—

24 (i) gender integration;

1 (ii) women's and girls' health, eco-  
2 nomic, social and legal development, pro-  
3 tection, improvement in role and status in  
4 society; and

5 (iii) prevention and response to vio-  
6 lence against women and girls, including  
7 child and forced marriage;

8 (B) work with relevant offices within the  
9 Department of State, and in other relevant Ex-  
10 ecutive Branch agencies, to promote the collec-  
11 tion, retention, and analysis of data on pro-  
12 grams and activities in paragraph (A); and

13 (C) subject to the direction of the Presi-  
14 dent and the Secretary of State, represent the  
15 United States in matters relevant to the status  
16 of women internationally.

17 (c) INTERAGENCY COOPERATION.—On behalf of the  
18 Secretary of State, the Ambassador shall convene periodic  
19 meetings with other Executive Branch agencies to enhance  
20 and ensure effective coordination of policies, programs,  
21 and resources regarding critical issues related to inter-  
22 national women's status and development.

23 (d) UNITED STATES AGENCY FOR INTERNATIONAL  
24 DEVELOPMENT GENDER INTEGRATION AND DEVELOP-  
25 MENT ADVISOR.—There is established, within the United

1 States Agency for International Development (USAID),  
2 the Gender Integration and Development Advisor (the Ad-  
3 visor), who shall be appointed by, and report directly to,  
4 the USAID Administrator; be highly qualified in the areas  
5 of international development and gender integration; and  
6 participate in high-level strategic policy, planning, oper-  
7 ations, and evaluations throughout all regional and func-  
8 tional disciplines of USAID.

9           (1) SUPPORT STAFF.—The Office of Women in  
10 International Development shall report directly to  
11 the Advisor. The USAID Administrator shall assign  
12 additional staff with technical and operational exper-  
13 tise as may be needed to assist the Advisor in car-  
14 rying out the purposes of this section.

15           (2) DUTIES.—The Advisor is authorized to—

16           (A) coordinate and advise USAID efforts  
17 to integrate gender in foreign assistance design,  
18 strategy, and programs, including to make rec-  
19 ommendations to the USAID Administrator re-  
20 garding USAID policies, procedures, and budg-  
21 eting;

22           (B) collect and make publicly available  
23 data and analysis on gender integration activi-  
24 ties, women’s development, and strategies for  
25 gender-based violence prevention and response,

1 in accordance with agency-wide mechanisms for  
2 data collection, monitoring, and evaluation; and

3 (C) provide recommendations to the Ad-  
4 ministrator and the Ambassador.

5 (e) STRATEGY.—Not later than 1 year after enact-  
6 ment of this Act, the Secretary of State and the Adminis-  
7 trator of the United States Agency for International De-  
8 velopment shall submit to the Committees on Appropria-  
9 tions, the Committee on Foreign Relations of the Senate  
10 and the Committee on Foreign Affairs of the House of  
11 Representatives, a 5-year strategy, developed by the Am-  
12 bassador and the Advisor in consultation with foreign gov-  
13 ernments and United States and foreign civil society orga-  
14 nizations with relevant expertise, to prevent and respond  
15 to violence against women and girls comprehensively in at  
16 least 5 developing countries with severe levels of violence,  
17 which shall include clear and achievable goals and objec-  
18 tives, indicators and benchmarks for measuring progress,  
19 and expected results.

20 (f) CLARIFICATION.—Nothing in this section shall be  
21 construed as affecting in any way existing statutory prohi-  
22 bitions related to abortion or existing statutory prohibi-  
23 tions on the use of funds to lobby for or against abortion.



## 1 LIVING QUARTERS AND ALLOWANCES

2 SEC. 7084. Section 9 of the United Nations Partici-  
3 pation Act of 1945 (22 U.S.C. 287e-1) is amended—

4 (1) in subsection (2) by striking “to no more  
5 than 30” and inserting “for a period not longer than  
6 5 years to no more than 35”, by striking “other rep-  
7 resentatives,” and inserting “and for a period not  
8 longer than 10 years to other representatives”, and  
9 by striking “(for periods” and all that follows  
10 through “for such purpose”; and

11 (2) by adding at the end the following new sub-  
12 section:

13 “(5) Living quarters and allowances provided  
14 under this section shall be considered for all pur-  
15 poses as authorized by chapter 9 of title I of the  
16 Foreign Service Act of 1980 and may not be pro-  
17 vided to an employee who is occupying living quar-  
18 ters that are owned by such employee.”.

19 ASIAN DEVELOPMENT FUND AND ASIAN DEVELOPMENT  
20 BANK AUTHORIZATIONS

21 SEC. 7085. The Asian Development Bank Act (22  
22 U.S.C. 285 et seq.) is amended by adding at the end the  
23 following—

1 **“SEC. 33. NINTH REPLENISHMENT.**

2 “(a) CONTRIBUTION AUTHORIZED.—The United  
3 States Governor of the Bank is authorized to contribute  
4 \$461,000,000 on behalf of the United States to the ninth  
5 replenishment of the resources of the Fund, to the extent  
6 such amounts are made available in advance through ap-  
7 propriations Acts.

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—In  
9 order to pay for the United States contribution under sub-  
10 section (a), there are authorized to be appropriated, with-  
11 out fiscal year limitation, \$461,000,000 for payment by  
12 the Secretary of the Treasury.

13 **“SEC. 34. FIFTH CAPITAL INCREASE.**

14 “(a) SUBSCRIPTION AUTHORIZED.—

15 “(1) The United States Governor of the Bank  
16 may subscribe on behalf of the United States to  
17 1,104,420 additional shares of the capital stock of  
18 the Bank.

19 “(2) Any subscription by the United States to  
20 the capital stock of the Bank shall be effective only  
21 to such extent and in such amounts as are made  
22 available in advance through appropriations Acts.

23 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-  
24 PRIATIONS.—

25 “(1) In order to pay for the increase in the  
26 United States subscription to the Bank under sub-

1 section (a), there are authorized to be appropriated,  
2 without fiscal year limitation, \$13,323,173,083 for  
3 payment by the Secretary of the Treasury.

4 “(2) Of the amount authorized to be appro-  
5 priated under paragraph (1)—

6 “(A) \$532,929,240 shall be for paid in  
7 shares of the Bank; and

8 “(B) \$12,790,243,843 shall be for callable  
9 shares of the Bank.”.

10 DEPARTMENT OF STATE OFFICE OF INSPECTOR GENERAL  
11 PERSONNEL

12 SEC. 7086. The Inspector General of the Department  
13 of State may waive any of the following provisions to em-  
14 ploy annuitants (individuals who are entitled to benefits  
15 under a retirement system for Government employees):  
16 (A) subsections (a) through (d) of section 8344 of title  
17 5, United States Code; (B) subsections (a) through (e)  
18 of section 8468 of title 5, United States Code; (C) sub-  
19 sections (a) through (d) of section 824 of the Foreign  
20 Service Act of 1980 (22 5 U.S.C. 4064); and (D) any  
21 other similar provision of law, as identified by the Inspec-  
22 tor General in regulations: *Provided*, That the Inspector  
23 General may exercise this authority: (A) only on a case-  
24 by-case basis and only for so long as is necessary; (B) if  
25 there are recruiting or retention difficulties for the posi-

1 tion involved or a temporary emergency hiring need; (C)  
2 as long as it does not cause the number of employees with-  
3 in the Office of Inspector General (OIG) employed under  
4 this or other similar authority to exceed, as of any given  
5 date, 15 percent of the total OIG workforce, determined  
6 on a full-time equivalent basis; and (D) this authority is  
7 repealed on October 1, 2013, except that an annuitant re-  
8 employed pursuant to the waiver in this section before Oc-  
9 tober 1, 2013, may continue such employment until not  
10 later than September 30, 2014: *Provided further*, That  
11 nothing in this section may be construed to permit or re-  
12 quire that any re-employed annuitant benefitting from a  
13 waiver of a provision of law set forth in this section be  
14 treated as a Government employee for purposes of the re-  
15 tirement system to which such provision relates: *Provided*  
16 *further*, That the Inspector General of the Department of  
17 State is authorized to obtain services under section 3109  
18 of title 5, United States Code, without regard to sub-  
19 sections (d)(1) of such section, and is considered the head  
20 of the agency under subsection (b) of such section for pur-  
21 poses of exercising this authority: *Provided further*, That  
22 services may be obtained by the Inspector General for a  
23 period of up to 1 year, with an option to extend such serv-  
24 ices for an additional 2 years, and that the total number  
25 of individuals employed under this section shall not exceed

1 15 percent of the total OIG workforce, determined on a  
2 full-time equivalent basis: *Provided further*, That the au-  
3 thority to obtain such services shall expire on September  
4 30, 2015.

5 UNITED STATES AGENCY FOR INTERNATIONAL DEVELOP-  
6 MENT OFFICE OF INSPECTOR GENERAL PERSONNEL

7 SEC. 7087. The United States Agency for Inter-  
8 national Development Office of Inspector General (USAID  
9 OIG) may contract with United States citizens for per-  
10 sonal services when the Inspector General determines that  
11 its personnel resources are otherwise insufficient: *Pro-*  
12 *vided*, That not more than 5 percent of USAID OIG per-  
13 sonnel (determined on a full-time equivalent basis), as of  
14 any given date, are serving under personal services con-  
15 tracts, that such contracts shall not exceed a term of 2  
16 years unless the Inspector General determines that excep-  
17 tional circumstances justify an extension of up to 1 addi-  
18 tional year, and that such contractors shall not be consid-  
19 ered employees of the Federal Government for purposes  
20 of title 5, United States Code, or members of the Foreign  
21 Service for purposes of title 22, United States Code: *Pro-*  
22 *vided further*, That the Inspector General may waive sub-  
23 sections (a) through (d) of section 8344, and subsections  
24 (a) through (e) of section 8468 of title 5, United States  
25 Code, and subsections (a) through (d) of section 4064 of

1 title 22, United States Code, on behalf of re-employed an-  
2 nuitants serving in a position within the USAID OIG to  
3 facilitate the assignment of persons to positions in Iraq,  
4 Pakistan, Afghanistan, and Haiti or to positions vacated  
5 by members of the Foreign Service assigned to those coun-  
6 tries, and that this authority shall be exercised on a case-  
7 by-case basis for positions for which there is difficulty re-  
8 cruiting or retaining a qualified employee or to address  
9 a temporary emergency hiring need: *Provided further,*  
10 That the individuals employed by the USAID OIG under  
11 this section shall not be considered employees for purposes  
12 of subchapter III of chapter 83 of title 5, United States  
13 Code, or chapter 84 of such title: *Provided further,* That  
14 the authorities of the Inspector General under this para-  
15 graph shall terminate on October 1, 2013: *Provided fur-*  
16 *ther,* That section 5541(2)(C)(xiv) of title 5, United States  
17 Code, is amended to read as follows:

18                   “(xiv) a Foreign Service officer, ex-  
19                   cept that Foreign Service officers serving  
20                   as criminal investigators in the Office of  
21                   Inspector General of the United States  
22                   Agency for International Development  
23                   shall be eligible for and receive availability  
24                   pay on the same terms as criminal inves-  
25                   tigators (as defined in section 5545a).”.

1 ASSISTANCE FOR FOREIGN NONGOVERNMENTAL  
2 ORGANIZATIONS

3 SEC. 7088. Part I of the Foreign Assistance Act of  
4 1961 (22 U.S.C. 2151 et seq.) is amended by inserting  
5 after section 104C, the following new section:

6 **“SEC. 104D. ELIGIBILITY FOR ASSISTANCE.**

7 “Notwithstanding any other provision of law, regula-  
8 tion, or policy, in determining eligibility for assistance au-  
9 thorized under sections 104, 104A, 104B, and 104C—

10 “(1) a foreign nongovernmental organization  
11 shall not be ineligible for such assistance solely on  
12 the basis of health or medical services, including  
13 counseling and referral services, provided by such or-  
14 ganization with non-United States Government  
15 funds if such services are permitted in the country  
16 in which they are being provided and would not vio-  
17 late United States law if provided in the United  
18 States; and

19 “(2) a foreign nongovernmental organization  
20 shall not be subject to requirements relating to the  
21 use of non-United States Government funds for ad-  
22 vocacy and lobbying activities other than those that  
23 apply to United States nongovernmental organiza-  
24 tions receiving assistance under this part.”.

## RESCISSIONS

1

2       SEC. 7089. (a) EXPORT-IMPORT BANK.—Of the un-  
3 obligated balances available under the heading “Subsidy  
4 Appropriation” for the Export-Import Bank of the United  
5 States in title VI of division H of Public Law 111–8 and  
6 under such heading in prior acts making appropriations  
7 for the Department of State, foreign operations, and re-  
8 lated programs, \$140,000,000 are rescinded.

9       (b) ANDEAN COUNTERDRUG PROGRAM.—Of the un-  
10 obligated balances available under the heading “Andean  
11 Counterdrug Programs” in title III of division H of Public  
12 Law 111–8 and under such heading in prior acts making  
13 appropriations for the Department of State, foreign oper-  
14 ations, and related programs, \$25,000,000 are rescinded.

15       (c) DIPLOMATIC AND CONSULAR PROGRAMS.—Of the  
16 funds appropriated in prior Acts making appropriations  
17 for the Department of State, foreign operations, and re-  
18 lated programs under the heading “Diplomatic and Con-  
19 sular Programs”, \$5,000,000 are rescinded: *Provided*,  
20 That no amounts may be rescinded from amounts that  
21 were designated by the Congress as an emergency require-  
22 ment pursuant to the Concurrent Resolution on the Budg-  
23 et or the Balanced Budget and Emergency Deficit Control  
24 Act of 1985, as amended.



1        This Act may be cited as the “Department of State,  
2 Foreign Operations, and Related Programs Appropria-  
3 tions Act, 2011”

Calendar No. 496

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3676**

[Report No. 111-237]

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## **A BILL**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2011, and for other purposes.

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JULY 29, 2010

Read twice and placed on the calendar