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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes, namely:
TITLE I
DEPARTMENT OF STATE AND RELATED AGENCY
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State
and the Foreign Service not otherwise provided for,
$6,877,500,000, of which $1,400,000,000 is for World-
wide Security Protection (to remain available until ex-
pended): Provided, That funds made available under this
heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary ex-
penses for training, human resources management,
and salaries, including employment without regard
to civil service and classification laws of persons on
a temporary basis (not to exceed $700,000), as au-
thorized by section 801 of the United States Infor-
mation and Educational Exchange Act of 1948,
$2,387,854,000, to remain available until September
30, 2013, of which not less than $134,700,000 shall
be available only for public diplomacy American sal-
aries, and $205,900,000 is for Worldwide Security
Protection and shall remain available until expended.
(2) Overseas Programs.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $2,124,646,000, to remain available until September 30, 2013, of which not less than $360,602,000 shall be available only for public diplomacy international information programs.

(3) Diplomatic Policy and Support.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $865,000,000, to remain available until September 30, 2013.

(4) Security Programs.—For necessary expenses for security activities, $1,500,000,000, to remain available until September 30, 2013, of which $1,194,100,000 is for Worldwide Security Protection and shall remain available until expended.

(5) Fees and Payments Collected.—In addition to amounts otherwise made available under this heading—
(A) not to exceed $1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

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

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

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

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized.

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

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $69,915,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

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

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $612,000,000, to remain available until expended: Provided, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

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

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available,
the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $795,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $775,000,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,300,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds
appropriated by this Act under the heading “Repatriation Loans Program Account”, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,447,000, as authorized, of which $710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to “Diplomatic and Consular Programs”: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,108,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

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

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conven-
tions or specific Acts of Congress, $1,585,000,000: Provided, That the Secretary of State shall, at the time of the submission of the President’s budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: Provided further, That notwithstanding any other provision of law, credits to United States assessed contributions to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations: Provided further, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Govern-
ment by such organization for loans incurred on or after
October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
ACtIVITIES

For necessary expenses to pay assessed and other ex-
penses of international peacekeeping activities directed to
the maintenance or restoration of international peace and
security, $1,900,000,000, of which 15 percent shall re-
main available until September 30, 2013: Provided, That
at least 15 days in advance of voting for a new or ex-
panded mission in the United Nations Security Council
(or in an emergency as far in advance as is practicable):
(1) the Committees on Appropriations shall be notified of
the estimated cost and duration of the mission, the na-
tional interest that will be served, the exit strategy, and
that the United Nations has taken appropriate measures
to prevent United Nations employees, contractor per-
sonnel, and peacekeeping forces serving in the mission
from trafficking in persons, exploiting victims of traf-
ficking, or committing acts of illegal sexual exploitation
or other violations of human rights, and to hold account-
able individuals who engage in such acts while partici-
pating in the peacekeeping mission, including the prosecu-
tion in their home countries of such individuals in connec-
tion with such acts; and (2) notification pursuant to sec-
tion 7015 of this Act is submitted, and the procedures
therein followed, setting forth the source of funds that will
be used to pay for the cost of the new or expanded mission:

Provided further, That funds shall be available for peace-
keeping expenses unless the Secretary of State determines
that American manufacturers and suppliers are not being
given opportunities to provide equipment, services, and
material for United Nations peacekeeping activities equal
to those being given to foreign manufacturers and sup-
pliers: Provided further, That the Secretary of State shall
work with the United Nations and governments contrib-
uting peacekeeping troops to develop effective vetting pro-
cedures to ensure that troops have not violated human
rights: Provided further, That notwithstanding any other
provision of law, credits to United States assessed con-
tributions to United Nations peacekeeping missions and
to the United Nations Tax Equalization Fund should be
used to offset other assessed contributions to the United
Nations, subject to the regular notification procedures of
the Committees on Appropriations.

International Commissions

For necessary expenses, not otherwise provided for,
to meet obligations of the United States arising under
treaties, or specific Acts of Congress, as follows:
INTERNATIONAL BOUNDARY AND WATER COMMISSION,
UNITED STATES AND MEXICO

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

SALARIES AND EXPENSES

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

CONSTRUCTION

For detailed plan preparation and construction of au-
thorized projects, $29,862,000, to remain available until
expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for
the International Joint Commission and the International
Boundary Commission, United States and Canada, as au-
thorized by treaties between the United States and Can-
da or Great Britain, and the Border Environment Co-
operation Commission as authorized by Public Law 103–
182, $11,687,000: Provided, That of the amount provided
under this heading for the International Joint Commiss-
ion, $9,000 may be made available for representation ex-
penses.
INTERNATIONAL FISHERIES COMMISSIONS

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

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, $740,039,000: Provided, That of the total amount in this heading, not less than $2,500,000 shall be used to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: Provided further, That the BBG shall coordinate the use of such technologies with the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate: Provided further, That the circumvention technologies and programs supported by funds made available by this Act or Public Law 112–10 shall undergo a peer review, to include an assessment of...
protections against such technologies being used for illicit purposes such as furthering the communications capabilities of extremist groups or their supporters: Provided further, That prior to obligation, the BBG shall submit to the Committees on Appropriations a report detailing planned expenditures for funds made available for such activities: Provided further, That not later than September 30, 2012, the BBG shall submit a report to the Committees on Appropriations listing programs supported by the BBG to promote unrestricted access to information through the Internet, including an assessment of the results of such programs: Provided further, That of the total amount appropriated under this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: Provided further, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: Provided further, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, in-
including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity’s journalistic code of ethics: Provided further, That reductions and increases to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary
equipment for radio and television transmission and reception, including to Cuba, as authorized, $9,361,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $31,589,000, to remain available until September 30, 2012, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.
1 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM
2
3 For necessary expenses of Eisenhower Exchange Fel-
4 lowships, Incorporated, as authorized by sections 4 and
5 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
6 U.S.C. 5204–5205), all interest and earnings accruing to
7 the Eisenhower Exchange Fellowship Program Trust
8 Fund on or before September 30, 2012, to remain avail-
9 able until expended: Provided, That none of the funds ap-
10 propriated herein shall be used to pay any salary or other
11 compensation, or to enter into any contract providing for
12 the payment thereof, in excess of the rate authorized by
13 5 U.S.C. 5376; or for purposes which are not in accord-
14 ance with OMB Circulars A–110 (Uniform Administrative
15 Requirements) and A–122 (Cost Principles for Non-profit
16 Organizations), including the restrictions on compensation
17 for personal services.
18
19 ISRAELI ARAB SCHOLARSHIP PROGRAM
20
21 For necessary expenses of the Israeli Arab Scholar-
22 ship Program, as authorized by section 214 of the Foreign
23 Relations Authorization Act, Fiscal Years 1992 and 1993
24 (22 U.S.C. 2452), all interest and earnings accruing to
25 the Israeli Arab Scholarship Fund on or before September
26 30, 2012, to remain available until expended.
EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $117,764,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $25,000,000 shall be for democracy, human rights, and rule of law programs: Provided, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.
OTHER COMMISSIONS

Commission for the Preservation of America’s Heritage Abroad

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America’s Heritage Abroad, $656,000, as authorized by section 1303 of Public Law 99–83.

United States Commission on International Religious Freedom

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,291,000, to remain available until September 30, 2013: Provided, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.
Commission on Security and Cooperation in Europe

Salaries and Expenses

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, 2013.

Congressional-Executive Commission on the People’s Republic of China

Salaries and Expenses

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

United States-China Economic and Security Review Commission

Salaries and Expenses

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,493,000, including not more than $4,000 for the purpose of official representation, to remain available until
September 30, 2013: Provided, That the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,251,000,000, to remain available until September 30, 2013: Provided, That none of the funds appropriated under this heading and under the heading “Capital Investment Fund” in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments...
for the expenditure of such funds through the following fiscal year: Provided further, That any decision to open a new USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to “Operating Expenses” in accordance with the provisions of those sections: Provided further, That any reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the report accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: Provided further, That no such entertainment funds may be used
for the purposes listed in section 7020 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $137,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $49,000,000, to remain available until September 30, 2013, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.
TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

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

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,657,500,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): Provided, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and re-
lated education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That funds appropriated under this paragraph shall be made available for a United States contribution to the GAVI Alliance: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made no later than 6 months after enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further,
That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That the ninth and tenth provisos under this heading in the Consolidated Appropriations Act, 2010 (Public Law 111–117) shall apply to funds appropriated under this heading in this Act: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term “motivate”, as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,250,000,000, to remain available until September 30, 2015, which shall be apportioned directly
to the Department of State: Provided, That of the funds appropriated under this paragraph, not less than $750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this paragraph, up to $14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,550,000,000, to remain available until September 30, 2013: Provided, That relevant bureaus and
offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: *Provided further*, That funds appropriated by this Act shall be made available for water and sanitation supply projects pursuant to the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121): *Provided further*, That funds appropriated by this Act for food security and agricultural development programs may be made available notwithstanding any other provision of law and shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: *Provided further*, That funds appropriated under this heading shall be made available for programs to improve women’s leadership capacity in recipient countries.

**INTERNATIONAL DISASTER ASSISTANCE**

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $850,000,000, to remain available until expended.

**TRANSITION INITIATIVES**

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to see-
tion 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Ad-
ministrator of the United States Agency for International Development (USAID), with the concurrence of the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $30,000,000, to remain available until expended: Provided, That the administrative authorities of the Foreign Assistance Act of 1961 shall be applicable to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: Provided further, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications
shall be transmitted at least 5 days in advance of the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $50,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading “Assistance for Europe, Eurasia and Central Asia”: Provided, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the
provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country or borrower shall not exceed $300,000,000: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $1,000,000,000.

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

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $4,378,560,000, to remain available until September 30, 2013: Provided, That of the funds appro-
appropriated under this heading, up to $250,000,000 shall be available for assistance for Egypt, which shall be for programs and activities (including to implement sections 7039(a)(3) and (b) of this Act) to reduce poverty and create jobs, strengthen democracy, and protect human rights, including not less than $35,000,000 for education programs of which not less than $10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need: *Provided further*, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: *Provided further*, That of the funds appropriated under this heading, not less than $360,000,000 shall be available for assistance for Jordan, including for programs and activities to reduce poverty and create jobs, strengthen democracy, and protect human rights: *Provided further*, That up to $30,000,000 of the funds appropriated for fiscal
year 2011 under this heading in Public Law 112–10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: *Provided further*, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered “assistance” for the purposes of provisions of law limiting assistance to a country: *Provided further*, That none of the funds appropriated under this heading may be made available for the Palestinian Authority if Palestine becomes a member or non-member state of the United Nations outside of an agreement negotiated between Israel and the Palestinians: *Provided further*, That the Secretary may waive the previous proviso if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, $179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $8,000,000 shall be transferred to, and merged with, funds appropriated under the heading “Migration and
Refugee Assistance” and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries: *Provided further,* That of the funds appropriated under this heading, $15,000,000 may be made available for assistance for Cuba, including humanitarian and democracy assistance, support for economic reform, private sector initiatives, and human rights.

**DEMOCRACY FUND**

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $114,770,000, to remain available until September 30, 2013, of which $70,910,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $43,860,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

**ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA**

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $626,718,000, to remain avail-
able until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: Provided, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: Provided further, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh: Provided further, That of the funds appropriated under this heading, not less than $7,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and reconstruction assistance for the North Caucasus.

Department of State

Migration and Refugee Assistance

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel
and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,700,000,000, to remain available until expended, of which $20,000,000 shall be made available for refugees resettling in Israel, and not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

**INDEPENDENT AGENCIES**

**PEACE CORPS**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $375,000,000, of which $5,000,000 is for the Office of Inspector General, to remain available until September 30, 2013: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived
from amounts made available for Peace Corps overseas operations: Provided further, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: Provided further, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: Provided further, That none of the funds appropriated under this heading may be used to pay for abortions, except when the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

MILLENNIUM CHALLENGE CORPORATION
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $898,200,000 to remain available until expended: Provided, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): Provided further, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: Provided further, That section 605(e)(4) of the Millennium Chal-
lenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: Provided further, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: Provided further, That none of the funds appropriated by this
Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for assistance for military or paramilitary purposes and for assistance to military forces: Provided further, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

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

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2013: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the
Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

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

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made
available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, $15,000,000, to remain available until September 30, 2013.

TITLE IV
INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,056,000,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide
to the Committees on Appropriations not later than 45
days after the date of enactment of this Act and prior
to the initial obligation of funds appropriated under this
heading, a report on the proposed uses of all funds under
this heading on a country-by-country basis for each pro-
posed program, project, or activity: Provided further, That
section 482(b) of the Foreign Assistance Act of 1961 shall
not apply to funds appropriated under this heading: Pro-
vided further, That assistance provided with funds appro-
priated under this heading that is made available notwith-
standing section 482(b) of the Foreign Assistance Act of
1961 shall be made available subject to the regular notifi-
cation procedures of the Committees on Appropriations:
Provided further, That notwithstanding any provision of
this or any other Act, funds appropriated in prior years
under the headings “Andean Counterdrug Initiative” and
“Andean Counterdrug Program” shall be available for use
in any country for which funds may be made available
under this heading without regard to the geographic or
purpose limitations under which such funds were origi-
nally appropriated, subject to the regular notification pro-
cedures of the Committees on Appropriations: Provided
further, That, notwithstanding any other provision of law,
of the funds appropriated under this heading, $5,000,000
should be made available to combat piracy of United
States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): Provided further, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the operation and maintenance costs of aircraft utilized in Iraq in support of programs funded under this heading, a justification for not including such costs under the heading “Diplomatic and Consular Programs”, and estimates for overhead costs associated with the Stabilization Operations and Security Sector Reform program: Provided further, That the concurrence of the Secretary of State shall be required for the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $685,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM
Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: Provided further, That of the funds made available under this heading, not to exceed $30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the
United States to do so: Provided further, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: Provided further, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: Provided further, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for “Anti-terrorism Assistance” and “Export Control and Border Security” shall remain available until September 30, 2013.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $262,000,000: Provided, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: Provided further,
That funds appropriated under this heading may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: *Provided further,* That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: *Provided further,* That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $105,788,000: *Provided,* That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further,* That funds made available under this heading for assistance for Angola, Bahrain, Bangladesh, Cameroon, Central African Republic, Chad, Côte d’Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka
may only be provided through the regular notification pro-
cedures of the Committees on Appropriations and any
such notification shall include a detailed description of
proposed activities: Provided further, That of the funds ap-
propriated under this heading, not to exceed $55,000 may
be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for grants to enable the
President to carry out the provisions of section 23 of the
Arms Export Control Act, $5,346,000,000: Provided,
That to expedite the provision of assistance to foreign
countries and international organizations, the Secretary of
State, following consultation with the Committees on Ap-
propriations and subject to the regular notification proce-
dures of such Committees, may use the funds appro-
priated under this heading to procure defense articles and
services to enhance the capacity of foreign security forces:
Provided further, That of the funds appropriated under
this heading, not less than $3,075,000,000 shall be avail-
able for grants only for Israel, and up to $1,300,000,000
shall be made available for grants only for Egypt, includ-
ing for border security programs and activities in the
Sinai: Provided further, That prior to the obligation of
funds appropriated under this heading for assistance for
Egypt, the Secretary of State shall certify to the Committees on Appropriations that the Governments of the United States and Egypt have agreed upon the specific uses of such funds, that such funds further the national interests of the United States in Egypt and the region, and that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association: Provided further, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $808,725,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: Provided further, That of the funds appropriated under this heading, $300,000,000 shall be made available
for assistance for Jordan: Provided further, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in consultation with the Secretary of Defense, has justified such program to the Committees on Appropriations: Provided further, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: Provided, That all country and funding level increases in allocations shall be sub-
mitted through the regular notification procedures of section 7015 of this Act: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Bahrain, Philippines, Indonesia, Haiti, Guatemala, Honduras, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than
$62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: Provided further, That not more than $836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That, with respect to the previous proviso, up to $100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.
TITLE V

MULTILATERAL ASSISTANCE

Funds Appropriated to the President

International Organizations and Programs


International Financial Institutions

Global Environment Facility

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $120,000,000, to remain available until expended.

Contribution to the International Bank for Reconstruction and Development

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, $117,364,344, to remain available until expended.
LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,355,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $167,000,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, $350,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.
GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $200,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $25,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $4,670,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, $25,000,000, to remain available until expended.
CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

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

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank’s Asian Development Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

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

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share
of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $125,000,000, to remain available until expended.

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

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed $1,252,331,952.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.
TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

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

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date
of the enactment of this Act: Provided further, That the use of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank during the current fiscal year should not result in greenhouse gas emissions from the extraction or production of fossil fuels and the use of fossil fuels in electricity generation exceeding the total amount of such emissions resulting from the use of such authority during fiscal year 2010, unless not less than 15 days prior to the use of such authority the Export-Import Bank provides written notification to the Committees on Appropriations that the use of such authority would result in greenhouse gas emissions exceeding such amount and indicating the amount of the increase, and posts such notification on the Bank's Web site: Provided further, That not less than 10 percent of such aggregate should be used for renewable energy technology and end-use energy efficiency technologies: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2012: Provided further, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103–428), the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in
furtherance of its objects and purposes through September 30, 2012.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $58,000,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: Provided further, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the
Board of Directors, not to exceed $89,900,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: Provided further, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.
Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2012 in excess of obligations, up to $50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed
$54,990,000; Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: Provided further, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal year 2014 remain available for disbursement through 2022: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized
to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

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

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 author-
ized by 5 U.S.C. 3109; and for hire of passenger transpor-
tation 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 unobligated balances and obligated, but unex-
pended, balances by program, project, and activity, and
Treasury Account Fund Symbol of all expired and unex-
pired funds received by such department or agency in fis-
cal year 2012 or any previous fiscal year: Provided, That
for the purposes of this section, obligated balances shall
not include obligations made through bilateral agreements
unless further sub-obligated.

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 inspec-
tion, except where otherwise provided under existing law,
or under existing Executive order issued pursuant to exist-
ing law.
Sec. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

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

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

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

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

PERSONNEL ACTIONS

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

LOCAL GUARD CONTRACTS

Sec. 7006. In evaluating proposals for local guard
contracts, the Secretary of State shall award contracts in
accordance with section 136 of the Foreign Relations Au-
thorization Act, Fiscal Years 1990 and 1991 (22 U.S.C.
4864), except that the Secretary may grant authorization
to award such contracts on the basis of best value as de-
termined by a cost-technical tradeoff analysis (as de-
scribed in Federal Acquisition Regulation part 15.101) in
Iraq, Afghanistan, and Pakistan, notwithstanding sub-
section (c)(3) of such section: Provided, That the authority
in this section shall apply to any options for renewal that
may be exercised under such contracts that are awarded
during the current fiscal year: Provided further, That prior
to issuing a solicitation for a contract to be awarded pur-
suant to the authority under this section, the Secretary
of State shall consult with the Committees on Appropria-
tions.
PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

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

COUPS D’ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d’etat or decree, or a coup d’etat or decree that is supported by the military: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further,
That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

Sec. 7009. (a) Department of State and Broadcasting Board of Governors.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.
(b) Export Financing Transfer Authorities.—

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

(c) Limitation on Transfers Between Agencies.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

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

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Global Health Programs”, “Development Assistance”, and “Economic Support Fund” shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not
less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

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

REPORTING REQUIREMENT

Sec. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings “Foreign Military Financing Program”, “International Military Education and Training”, “Peacekeeping Oper-
ations”, and “Pakistan Counter-Insurgency Fund”: 

*Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

**AVAILABILITY OF FUNDS**

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings “Assistance for Europe, Eurasia and Central Asia” and “Development Credit Authority”, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to ad-
dress balance of payments or economic policy reform ob-
jectives, shall remain available for an additional 4 years
from the date on which the availability of such funds
would otherwise have expired, if such funds are initially
allocated or obligated before the expiration of their respec-
tive periods of availability contained in this Act.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

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

PROHIBITION ON TAXATION OF UNITED STATES
ASSISTANCE

Sec. 7013. (a) Prohibition on Taxation.—None
of the funds appropriated under titles III through VI of
this Act may be made available to provide assistance for
a foreign country under a new bilateral agreement gov-
erning the terms and conditions under which such assist-
ance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) Reimbursement of Foreign Taxes.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2011 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2012 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) De Minimis Exception.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).
(d) Reprogramming of Funds.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) Determinations.—

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

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

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

(f) Implementation.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate,
to implement the prohibition against the taxation of assistance contained in this section.

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

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

(2) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

Sec. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of
any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

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

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) closes or opens a mission or post;

(6) creates, reorganizes, or renames bureaus, centers, or offices;

(7) reorganizes programs or activities; or
(8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

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

(c) None of the funds made available under titles II
through VI and VIII in this Act under the headings
“Global Health Programs”, “Development Assistance”,
“International Organizations and Programs”, “Trade and
Development Agency”, “International Narcotics Control
and Law Enforcement”, “Assistance for Europe, Eurasia
and Central Asia”, “Economic Support Fund”, “Democ-
racy Fund”, “Peacekeeping Operations”, “Capital Invest-
ment Fund”, “Operating Expenses”, “Conflict Stabiliza-
tion Operations”, “Office of Inspector General”, “Non-
proliferation, Anti-terrorism, Demining and Related Pro-
grams”, “Millennium Challenge Corporation”, “Global Se-
curity Contingency Fund”, “Foreign Military Financing
Program”, “International Military Education and Train-
ing”, “Pakistan Counter-Insurgency Capability Fund”,
and “Peace Corps”, shall be available for obligation for
activities, programs, projects, type of materiel assistance,
countries, or other operations not justified or in excess of
the amount justified to the Committees on Appropriations
for obligation under any of these specific headings unless
the Committees on Appropriations are notified 15 days in
advance: Provided, That the President shall not enter into
any commitment of funds appropriated for the purposes
of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

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

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

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

Sec. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Sec. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior
Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2013.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

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

ALLOCATIONS

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

(b) For the purposes of implementing this section and only with respect to the tables included in the report accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as
appropriate, may propose deviations to the amounts refer-
enced in subsection (a), subject to the regular notifica-
tion procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

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

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

Sec. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
PORTS.—

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

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

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

(b) BILATERAL ASSISTANCE.—

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

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

(B) otherwise supports international ter-
rorism.

(2) The President may waive the application of
paragraph (1) to a government if the President de-
determines that national security or humanitarian rea-
sons justify such waiver: Provided, That the Presi-
dent shall publish each such waiver in the Federal
Register and, at least 15 days before the waiver
takes effect, shall notify the Committees on Approp-
riations of the waiver (including the justification
for the waiver) in accordance with the regular notifi-
cation procedures of the Committees on Appropria-
tions.

AUTHORIZATION REQUIREMENTS

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

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI
of this Act “program, project, and activity” shall be de-

defined at the appropriations Act account level and shall in-
clude all appropriations and authorizations Acts funding
directives, ceilings, and limitations with the exception that
for the following accounts: “Economic Support Fund” and
“Foreign Military Financing Program”, “program,
project, and activity” shall also be considered to include
country, regional, and central program level funding with-
in each such account; for the development assistance ac-
counts of the United States Agency for International De-
velopment “program, project, and activity” shall also be
considered to include central, country, regional, and pro-
gram level funding, either as:

(1) justified to the Congress; or

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

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

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: Provided, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other
than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: Provided further, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign
Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

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

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.
SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

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

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

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

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

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.
(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

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

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

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

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

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the gov-
ernment of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign As-
sistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate ac-
count and not commingle them with any other funds.
(2) **Applicability of Other Provisions of Law.**—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) **Notification.**—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) **Exemption.**—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.
SEC. 7027. (a) Assistance Through Nongovernmental Organizations.—Section 123 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u) is amended by adding the following new subsection at the end:

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

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

“(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

“(2) The President shall submit to Congress, in accordance with section 634A, advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

“(3) This subsection shall not apply—

“(A) with respect to section 620A of this Act or any comparable provision of law prohibiting as-
istance to governments that support international terrorism; or

“(B) with respect to section 116 of this Act or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

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

(b) PUBLIC LAW 480.—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480, as amended): Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

IMPACT ON JOBS IN THE UNITED STATES

Sec. 7028. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—
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(1) any financial incentive to a business enter-
prise currently located in the United States for the
purpose of inducing such an enterprise to relocate
outside the United States if such incentive or in-
ducement is likely to reduce the number of employ-
ees of such business enterprise in the United States
because United States production is being replaced
by such enterprise outside the United States; or

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

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under
title V of this Act may be made as payment to any inter-
national financial institution while the United States exec-
utive director to such institution is compensated by the
institution at a rate which, together with whatever com-

pensation such executive director receives from the United

States, is in excess of the rate provided for an individual

occupying a position at level IV of the Executive Schedule

under section 5315 of title 5, United States Code, or while

any alternate United States executive director to such in-

stitution is compensated by the institution at a rate in

excess of the rate provided for an individual occupying a

position at level V of the Executive Schedule under section

5316 of title 5, United States Code.

(b) Of the funds appropriated under title V of this

Act that are available for payments to international finan-
cial institutions, 10 percent should not be obligated for

any such institution until the Secretary of the Treasury

reports to the Committees on Appropriations that the in-

stitution is implementing effective practices to protect

whistleblowers (including the institution’s employees and

others affected by the institution’s operations) from retali-

ation for internal and lawful public disclosures, includ-
ing—

(1) best practices for legal burdens of proof;

(2) access to independent adjudicative bodies,

including external arbitration based on consensus se-

lection and shared costs;
(3) results that eliminate the effects of proven retaliation; and

(4) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution’s financing programs.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the
Fund’s activities with respect to Heavily Indebted Poor
Countries.

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

(f) For the purposes of this Act “international finan-
cial institutions” shall mean the International Bank for
Reconstruction and Development, the International Devel-
opment Association, the International Finance Corpora-
tion, the Inter-American Development Bank, the Inter-
national Monetary Fund, the Asian Development Bank,
the Asian Development Fund, the Inter-American Invest-
ment Corporation, the North American Development
Bank, the European Bank for Reconstruction and Devel-
opment, the African Development Bank and the African
Development Fund.
DEBT-FOR-DEVELOPMENT

Sec. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

Sec. 7031. (a) Loans Eligible for Sale, Reduction, or Cancellation.—

(1) Authority to sell, reduce, or cancel certain loans.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, re-
duce or cancel such loan or portion thereof, only for
the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development
swaps, or debt-for-nature swaps; or

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

(2) TERMS AND CONDITIONS.—Notwithstanding
any other provision of law, the President shall, in ac-
cordance with this section, establish the terms and
conditions under which loans may be sold, reduced,
or canceled pursuant to this section.
(3) Administration.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: Provided, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) Limitation.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) Deposit of Proceeds.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

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

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

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

SPECIAL PROVISIONS

SEC. 7032. (a) AFGHANISTAN, PAKISTAN, IRAQ,
LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND
DISPLACED BURMESE.—Funds appropriated under titles
III through VI of this Act that are made available for as-
sistance for Afghanistan may be made available notwith-
standing section 7012 of this Act or any similar provision
of law and section 660 of the Foreign Assistance Act of
1961, and funds appropriated under titles III and VI of
this Act that are made available for assistance for Paki-
stan, Iraq, and Lebanon and for victims of war, displaced
children, displaced Burmese, and to assist victims of traf-
ficking in persons and, subject to the regular notification
procedures of the Committees on Appropriations, to com-
batt such trafficking, may be made available notwith-
standing any other provision of law except section 620M
of the Foreign Assistance Act, as amended by this Act.

(b) WAIVER.—

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

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

(3) Not later than 30 days after enactment of
this Act, the Secretary of State shall submit to the
Committees on Appropriations specific recommenda-
tions on appropriate actions to be taken with respect
to the Palestine Liberation Organization’s status in
the United States, especially about the closing of its
office, if Palestine seeks to become a member or
non-member state of the United Nations outside an
agreement negotiated between Israel and the Pal-
estinians.

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

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

(e) EXTENSION OF AUTHORITY.—The Foreign Oper-
ations, Export Financing, and Related Programs Appro-
priations Act, 1990 (Public Law 101–167) is amended—
(1) In section 599D (8 U.S.C. 1157 note)—
(A) in subsection (b)(3), by striking “and
2011” and inserting “2011, and 2012”; and
(B) in subsection (e), by striking “June 1, 2011” each place it appears and inserting “October 1, 2012”; and

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

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

(g) **DISARMAMENT, DEMOBILIZATION AND RE-INTEGRATION.**—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this sub-
section: Provided further, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(h) CONTINGENCIES.—During fiscal year 2012, the President may use up to $75,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(i) CONSOLIDATION OF REPORTS.—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: Provided, That reports are considered “substantially duplicative” if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: Provided further, That reports affected by
this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(j) PROMOTION OF DEMOCRACY.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term “promotion of democracy” means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance
shall not be subject to the prior approval by the government of any foreign country.

(4) Of the funds appropriated under the heading “Economic Support Fund”, up to $25,000,000 shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication through the Internet, mobile phones, and other connection technologies including digital safety training, policy and advocacy, and the development of circumvention and secure communication technologies, as identified in the Department of State’s Internet freedom strategy: Provided, That funds made available by this section should be matched by sources other than the United States Government, as appropriate: Provided further, That the Secretary of State shall coordinate the uses of circumvention and secure communications technologies with the Administrator of the United States Agency for International Development (USAID) and the Broadcasting Board of Governors, as appropriate: Provided further, That the circumvention technologies and programs supported by funds made available by this Act, Public Law 111–117 or Public Law 112–10 shall undergo a peer re-
view, to include an assessment of the protection against such technologies being used for illicit purposes, including to further the communications capabilities of extremist groups or their supporters: Provided further, That prior to the obligation of funds, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures of funds made available for activities to promote Internet freedom: Provided further, That not later than September 30, 2012, the Secretary of State, in coordination with the USAID Administrator, shall submit a report to the Committees on Appropriations listing programs supported by the Department of State and USAID to promote Internet freedom, including an assessment of the results of such programs, and detailing how such programs further, and are coordinated with cyber diplomacy and the United States International Strategy for Cyberspace.

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

(m) **MOTOR VEHICLE POLLUTION CONTROL.**—Not later than 90 days after enactment of this Act, the head of each United States Government agency that receives funds appropriated by this Act shall establish a policy to eliminate unnecessary idling of motor vehicles owned or leased by such department or agency, and provide a copy of such policy to the Committees on Appropriations including an estimate of the amount of annual fuel savings that will result from such policy: *Provided,* That such policy may include exceptions to accommodate important security, health, or safety concerns, and if necessary to perform an important job function, ensure safe operating conditions, or to operate a motor vehicle in accordance with manufacturer specifications.

(n) **PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.**—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): *Provided,* That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or inter-
national organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: Provided further, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: Provided further, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report for which a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.  

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

(1) by redesignating the section as section 620M;
(2) in subsection (a), by striking ‘‘evidence’’ and inserting ‘‘information’’ and by striking ‘‘gross violations’’ and inserting ‘‘a gross violation’’;

(3) in subsection (b), by striking ‘‘measures’’ and inserting ‘‘steps’’; and

(4) by adding the following subsections:

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

‘‘(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

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

‘‘(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

‘‘(4) ensure that such information is evaluated and preserved;
“(5) ensure that when vetting an individual for eligibility to receive United States training the individual’s unit is also vetted;

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

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

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

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

(q) ANNUITANT WAIVER.—

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

(A) in paragraph (1)(B), by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and

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

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

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

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

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

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

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

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

(s) REPORTS REPEALED.—Section 4(b) of Public
Law 79–264; section 51(a)(2) of Public Law 84–885; sec-
tions 133(d), 620C(e) and 620F(e) of Public Law 87–195;
section 807 of Public Law 98–164; section 704(e) of Pub-
lic Law 101–179; section 104 of Public Law 102–511; sec-
tion 560(g) of Public Law 103–87; sections 514(a) and
527(f) of Public Law 103–236; section 605(c) of Appendix G, Public Law 106–113; sections 3203 and 3204(f) of division B of Public Law 106–246; section 564(g)(4) of Public Law 106–429; section 304(f) of Public Law 107–173; sections 694(a), 694(b), 702, 704 and 1321 of Public Law 107–228; and section 409(c) of Public Law 108–447 are hereby repealed.

(t) Fee.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking “2011” and inserting instead “2012”.

(u) Conflict Stabilization Operations Authority.—Of the funds appropriated in title I of this Act under the heading “Diplomatic and Consular Programs”, up to $35,000,000, to remain available until expended, may be made available pursuant to the authorities under the heading “Civilian Stabilization Initiative” in title I of division F of Public Law 111–117: Provided, That the third and fourth proviso under such heading shall not apply to funds made available under this subsection.

(v) Transfer of Authority.—

(1) The State Department Basic Authorities Act of 1956 is amended in section 1(c)(1) (22 U.S.C. 2651a(e)(1)) by striking “24” and inserting instead “26”.
(2) The Secretary of State may transfer any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stabilization, or the Coordinator for International Energy Affairs (or to their respective offices) to such other officials or offices of the Department of State as the Secretary may determine from time to time, following consultation with the Committees on Appropriations.

(w) COUNTRY EXPENDITURES.—Except to respond to humanitarian crises or natural or man-made disasters, or to promote democracy or protect human rights, funds appropriated under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, “Millennium Challenge Corporation”, and “International Narcotics Control and Law Enforcement” shall not be made available for programs and activities in any country whose government is not increasing its own budgetary expenditures for such programs and activities.

(x) PERSONNEL.—The authority provided by section 1113 of Public Law 111–32 shall remain in effect through fiscal year 2012: Provided, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of
State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(y) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State may withhold funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: Provided, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

ARAB LEAGUE BOYCOTT OF ISRAEL

Sec. 7033. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regretfully reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;
(4) the President and the Secretary of State should continue to vigorously oppose the Arab
League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking
into consideration the participation of any recipient country in the boycott when determining to sell
weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United
States to encourage Arab League states to normalize their relations with Israel to bring about the termina-
tion of the Arab League boycott of Israel, including those to encourage allies and trading partners of
the United States to enact laws prohibiting businesses from complying with the boycott and penal-
izing businesses that do comply.

PALESTINIAN STATEHOOD

Sec. 7034. (a) Limitation on Assistance.—None of the funds appropriated under titles III through VI of
this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to
the appropriate congressional committees that—

(1) the governing entity of a new Palestinian
state—
(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

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

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

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

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demili-

.tarized zones;
(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

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

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7038 of this Act (“Limitation on Assistance for the Palestinian Authority”).
RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7035. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: Provided further, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.
PROHIBITION ON ASSISTANCE TO THE PALESTINIAN

BROADCASTING CORPORATION

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

ASSISTANCE FOR THE WEST BANK AND GAZA

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

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

(e) Prohibition.—

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

(2) Notwithstanding any other provision of law,
none of the funds made available by this or prior ap-
propriations act, including funds made available by
transfer, may be made available for obligation for se-
curity assistance for the West Bank and Gaza until
the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

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

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: Provided, That such funds are in addition to funds otherwise available for such purposes.

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

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

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

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

(g) Not later than 180 days after enactment of this
Act, the Secretary of State shall submit a report to the
Committees on Appropriations updating the report con-
tained in section 2106 of chapter 2 of title II of Public

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN
AUTHORITY

SEC. 7038. (a) PROHIBITION OF FUNDS.—None of
the funds appropriated by this Act to carry out the provi-
sions of chapter 4 of part II of the Foreign Assistance
Act of 1961 may be obligated or expended with respect
to providing funds to the Palestinian Authority.

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

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

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

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

(f) Prohibition to Hamas and the Palestine
Liberation Organization.—

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

(2) Notwithstanding the limitation of subsection
(1), assistance may be provided to a power-sharing
government only if the President certifies and re-
ports to the Committees on Appropriations that such
government, including all of its ministers or such
equivalent, has publicly accepted and is complying
with the principles contained in section
620K(b)(1)(A) and (B) of the Foreign Assistance
Act of 1961, as amended.
(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7039. (a) EGYPT.—
(1) Notwithstanding any other provision of this Act, funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Egypt may be transferred to, and merged with, funds appropriated for assistance for Egypt under the heading “Economic Support Fund”: Provided, That such transfer may only be made following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

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

(B) The Secretary of State may waive paragraph (2)(A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interests of the United States: Provided, That any such determination and report shall include a detailed justification for such waiver.

(3)(A) Funds appropriated under the heading “Economic Support Fund” in this and prior Acts
(including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprise with emphasis on expanding opportunities for women, as well as other appropriate market-reform and economic growth activities: Provided, That the provisions of title VI of Public Law 103–306 pertaining to funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: Provided further, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the report accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): Provided further, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to
permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement between the United States and Egypt: Provided further, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association.

(b) ENTERPRISE FUNDS.—Up to $60,000,000 of funds appropriated under the heading “Economic Support Fund” in this Act and prior acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to $20,000,000 of such funds that are available for assistance for Tunisia, up to $60,000,000 of such funds that are available for assistance for Pakistan, and up to $60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia,
Pakistan, and Jordan, respectively: Provided, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b)(c)(d)(3) and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: Provided further, That section 7077 of division F of Public Law 111–117 shall apply to any such fund or funds established pursuant to this subsection: Provided further, That not more than 5 percent of the funds made available pursuant to this subsection should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: Provided further, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: Provided further, That not later than 1 year after the entry into force of the initial grant agreement under this
section and annually thereafter, each fund shall prepare
and make available to the public on an Internet Web site
administered by the fund a detailed report on the fund’s
activities during the previous year: Provided further, That
the authority of any such fund or funds to provide assist-
ance shall cease to be effective on December 31, 2022:
Provided further, That funds made available pursuant to
this section shall be subject to prior consultation with the
Committees on Appropriations.

(c) Iran.—

(1) It is the policy of the United States to seek
to prevent Iran from achieving the capability to
produce or otherwise manufacture nuclear weapons,
including by supporting international diplomatic ef-
forts to halt Iran’s uranium enrichment program,
and the President should fully implement and en-
force the Iran Sanctions Act of 1996, as amended
(Public Law 104–172) as a means of encouraging
foreign governments to require state-owned and pri-

tate entities to cease all investment in, and support
of, Iran’s energy sector and all exports of refined pe-
troleum products to Iran.

(2) None of the funds appropriated or otherwise
made available in this Act under the heading “Ex-
port-Import Bank of the United States” may be
used by the Export-Import Bank of the United
States to provide any new financing (including loans,
guarantees, other credits, insurance, and reinsur-
ance) to any person that is subject to sanctions
under paragraph (2) or (3) of section 5(a) of the

(3) The reporting requirements in section
7043(c) in division F of Public Law 111–117 shall
continue in effect during fiscal year 2012 as if part
of this Act: Provided, That the date in subsecton
(c)(1) shall be deemed to be “September 31, 2012”.
(d) IRAQ.—

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

(2) None of the funds appropriated or otherwise
made available by this Act may be used by the Gov-
ernment of the United States to enter into a perma-
nent basing rights agreement between the United
States and Iraq.
(3) Funds appropriated or otherwise made available by this Act for security-related programs in Iraq may only be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Iraq has committed to contributing to, and sustaining, such programs, including details on the manner in which such contributions and sustainment will be achieved.

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

(e) LEBANON.—

(1) None of the funds appropriated by this Act may be made available for assistance for the Government of Lebanon if such government is controlled by a foreign terrorist organization.

(2) Funds appropriated under the heading “Foreign Military Financing Program” in this Act for assistance for Lebanon may be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat ter-
terrorism, including training and equipping the Leba-
nese Armed Forces to secure Lebanon’s borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: Provided, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan: Provided further, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(f) LIBYA.—

(1) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than $20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students: Provided, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis.

(2) None of the funds appropriated by this Act may be made available for assistance for Libya for
the rehabilitation or reconstruction of infrastructure except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Morocco, $1,000,000 shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—Notwithstanding any other provision of law, funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria: Provided, That a portion of such funds should be programmed in coordination with the Government of Turkey and other governments in the region, as appropriate.
AIRCRAFT TRANSFER AND COORDINATION

SEC. 7040. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative” and “Andean Counterdrug Programs” may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: Provided, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.
(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be co-ordinated under the authority of the appropriate Chief of Mission: Provided, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

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

WESTERN HEMISPHERE

SEC. 7041. (a) CENTRAL AMERICA AND THE CARIBBEAN.—Funds appropriated by this Act shall be made available for the Central America Regional Security Initiative (CARSI) and for the Caribbean Basin Security Initia-
(b) COLOMBIA.—

(1) ASSISTANCE.—

(A) Funds appropriated by this Act and made available to the Department of State for counter-narcotics or other law enforcement assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs,
is used to aid or abet the operations of any ille-
gal self-defense group, paramilitary organiza-
tion, illegal security cooperative or successor or-
ganizations in Colombia, such helicopter shall
be immediately returned to the United States:

*Provided further,* That none of the funds appro-
piated by this Act or prior Acts making appro-
piations for the Department of State, foreign
operations, and related programs may be made
available for assistance for the Colombian
Departamento Administrativo de Seguridad
(DAS) or successor organizations.

(B) None of the funds appropriated by this
Act under the heading “International Narcotics
Control and Law Enforcement” that are avail-
able for assistance for Colombia for the proc-
curement of chemicals for aerial drug eradi-
cation may be made available unless the Sec-
retary of State certifies to the Committees on
Appropriations that any complaints of harm to
health or licit crops caused by such aerial eradi-
cation are thoroughly investigated and evalu-
ated, and fair compensation is paid in a timely
manner for meritorious claims: *Provided fur-
ther,* That the Secretary shall submit a report
to the Committees on Appropriations not later than 6 months after enactment of this Act and 6 months thereafter detailing the complaints made during the previous 6 months, the investiga-
tions conducted, and the amount of compensation, if any: Provided further, That such funds may not be made available for such purposes unless voluntary eradication programs are not feasible and programs are being imple-
mented by the United States Agency for International Development, the Government of Co-
lombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are target-
geted for aerial eradication: Provided further, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of Af-
rican oil palm, if doing so would contribute to significant loss of native species, disrupt or con-
taminate natural water sources, reduce local food security, or cause the forced displacement of local people: Provided further, That funds ap-
propriated by this Act may not be used for aeri-

nal drug eradication in Colombia’s national
parks or reserves unless the Secretary of State
certifies to the Committees on Appropriations
that there are no effective alternatives and the
eradication is in accordance with Colombian
laws.

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

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

(B) EXCEPTIONS.—The following provi-
sions of section 7046 of division H of Public
Law 111–8 shall apply to funds appropriated or
otherwise made available by this Act for assist-
ance for Colombia as follows:
(i) Subsection (b)(1)(B) is amended as follows:

(I) By striking clause (i) and inserting the following:

“(i) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are no longer opposing civilian judicial jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.”.

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

“(iv) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian
communities; and the Colombian Armed
Forces are implementing procedures to dis-
tinguish between civilians, including dis-
placed persons, and combatants, in their
operations.”.

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

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

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

(C) REPORT.—Not later than 90 days
after enactment of this Act, the Secretary of
State shall submit a report to the Committees
on Appropriations detailing any United States
funding, assistance or other support for the
DAS, its officials, employees, affiliates and con-
tractors during the period 2002 through 2010,
including but not limited to training, equip-
ment, information sharing, technical assistance,
and facilities construction: Provided, That to
the maximum extent possible the report shall be
provided in unclassified form, but may also include a classified annex.

(c) GUATEMALA.—

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

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

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

(d) HAITI.—

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

(2) Funds appropriated under the heading “Economic Support Fund” in this Act and prior Acts that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Haitian civil society organizations and directly improves the security, economic and social well-being, and political status, of Haitian women and girls.

(e) HONDURAS.—Funds appropriated by this Act that are available for assistance for police forces in Honduras may not be made available until the Secretary of State certifies to the Committees on Appropriations that the Government of Honduras is investigating, prosecuting, and punishing police officers who have violated human rights and the Honduran police are cooperating with civilian judicial authorities in such cases.

(f) MEXICO.—Funds appropriated by this Act that are available to support anti-crime and counter-narcotics efforts in Mexico shall be made available to strengthen the capacity of civilian law enforcement and judicial institutions.
(g) Trade Capacity.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading “Development Assistance” and not less than $10,000,000 under the heading “Economic Support Fund” shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

Serbia

Sec. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.
(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7043. (a) Authority.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address sexual and gender-based violence, and foster improved police relations with the communities they serve.

(b) Notification.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7044. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrear-
ages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country’s delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7045. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.
SEC. 7046. (a) MISSIONS.—None of the funds appropriated or otherwise made available by title I of this Act may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President’s military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation.

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

“(vii) For assessments made during calendar year 2011 and 2012, 27.2 percent.”.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7047. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the
Secretary of State reports to the Committees on Appropriations that such attendance is important to the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

Sec. 7048. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

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

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LANDMINES AND CLUSTER MUNITIONS

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

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

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

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.
PROHIBITION ON PUBLICITY OR PROPAGANDA

Sec. 7051. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

Sec. 7052. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

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

Sec. 7053. (a) Authority.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may
be used by the United States Agency for International De-
velopment (USAID) to hire and employ individuals in the
United States and overseas on a limited appointment basis
pursuant to the authority of sections 308 and 309 of the
Foreign Service Act of 1980.

(b) Restrictions.—

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

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

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

(d) Priority Sectors.—In exercising the authority
of this section, primary emphasis shall be placed on ena-
bling USAID to meet personnel positions in technical
areas currently encumbered by contractor or other non-
direct hire personnel.
(c) Program Account Charged.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual’s responsibilities primarily relate: Provided, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(f) Foreign Service Limited Extensions.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(g) Disaster Surge Capacity.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to
carry out programs in response to natural or man-made
disasters.

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

(i) Personal Services Contractors.—Funds ap-
propriated by this Act to carry out chapter 1 of part I,
chapter 4 of part II, and section 667 of the Foreign As-
sistance Act of 1961, and title II of the Agricultural Trade
Development and Assistance Act of 1954, may be used
by USAID to employ up to 40 personal services contra-
tors in the United States, notwithstanding any other pro-
vision of law, for the purpose of providing direct, interim
support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID’s Afghanistan or Pakistan programs: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(j) **Senior Foreign Service Limited Appointments.**—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

**Global Health Activities**

Sec. 7054. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for global health activities including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the
heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That of the funds appropriated under title III of this Act, not less than $700,000,000 shall be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

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

(c) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following:
(1) The metrics developed to measure progress towards meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics;

(2) The status of, and estimated completion date for, meeting each benchmark; and

(3) An assessment of meeting the QDDR target date of September 2012 for transition of GHI to USAID, and if such assessment determines that the target date will not be met a detailed explanation of why it will not be met and a revised target date for the transition to be completed.

(d) Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to respond to pandemic outbreaks, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

DEVELOPMENT GRANTS PROGRAM

SEC. 7055. Of the funds appropriated in title III of this Act, not less than $45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign
Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), primarily for unsolicited proposals, to support grants of not more than $2,000,000 to small nongovernmental organizations: Provided, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7063.

PROGRAMS TO PROMOTE GENDER EQUALITY

Sec. 7056. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

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

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities
for women, including strengthening protections for women’s personal status, increasing women’s participation in elections, and enhancing women’s positions in government and role in government decisionmaking.

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

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

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

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

(3) promote the physical safety, economic security, and dignity of women and girls;
(4) support women’s equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7057. (a) Funds appropriated under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” in this Act shall be made available for sexual and gender-based violence prevention and response efforts, and funds appropriated under the headings “International Disaster Assistance”, “Complex Crises Fund” and “Migration and Refugee Assistance” should be made available for such efforts.

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

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

RECONCILIATION PROGRAMS

SEC. 7058. Of the funds appropriated by title III of
this Act under the headings “Economic Support Fund”
and “Development Assistance”, $26,000,000 shall be
made available to support people to people reconciliation
programs which bring together individuals of different eth-
nic, religious and political backgrounds from areas of civil
strife and war, of which $10,000,000 shall be made avail-
able for such programs in the Middle East: Provided, That
the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

REQUESTS FOR DOCUMENTS

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

PROHIBITION ON USE OF TORTURE

SEC. 7060. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report identifying those countries receiving United States assistance from funds appropriated by this Act whose police, military, or other security forces have been credibly alleged to use torture, as determined by the Assistant Secretary of State for Democracy, Human Rights and Labor based on the Department of
State’s most recent Human Rights Report and other relevant information.

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

AFRICA

Sec. 7061. (a) Conflict Minerals.—

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

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

(b) COUNTER-TERRORISM PROGRAMS.—

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

(2) In addition to such sums that may otherwise be made available, of the funds appropriated by this Act under the heading “Economic Support Fund”, $10,000,000 shall be made available for programs to counter extremism in East Africa.

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

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

(B) the amount of funding provided, by account, to implement such a strategy, and a
brief description of counter-terrorism programs
implemented on a country-by-country basis;

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

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

e) Crisis Response.—Notwithstanding any other
provision of law, up to $15,000,000 of the funds appro-
riated by this Act under the heading “Global Health Pro-
grams” for HIV/AIDS activities may be transferred to,
and merged with, funds appropriated under the headings
“Complex Crises Fund”, “International Disaster Assist-
ance”, “Economic Support Fund”, and “Migration and
Refugee Assistance” to respond to unanticipated crises in
Africa, except that funds shall not be transferred unless
the Secretary of State certifies to the Committees on Ap-
propriations that no individual currently on anti-retroviral
therapy supported by such funds shall be negatively im-
pacted by the transfer of such funds: *Provided,* That the
authority of this subsection shall be subject to prior con-
sultation with the Committees on Appropriations.

(d) **Expanded International Military Education and Training.**—

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

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

(e) **Ethiopia.**—

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

(A) certifies to the Committees on Approp-
riations that the Government of Ethiopia is
implementing policies to respect due process
and freedoms of expression and association, and
is permitting access to human rights and hu-
manitarian organizations to the Somalia region of Ethiopia; and

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

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

(f) The Gambia.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for the Gambia, except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropria-
tions that the Government of the Gambia is taking effective steps to release and account for political prisoners.

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

(h) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to paragraph (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan unless the Secretary of State certifies to the Committees on Appropriations that such government—

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

(ii) is cooperating with and participating in good faith in an internationally recognized peace process for Darfur;

(iii) is permitting access and freedom of movement for the United Nations/African Union Hybrid Mission in Darfur and
the delivery of humanitarian assistance in
Darfur, and is respecting international hu-
manitarian law;

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

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

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

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

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

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

(i) SOUTH SUDAN.—

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

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

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

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

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: Provided, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to
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improve natural resource management and ensure
transparency and accountability of funds.
(j) **UGANDA.**—Of the funds appropriated by this Act
under the headings “Development Assistance” and “International Narcotics Control and Law Enforcement”, not
less than $1,000,000 shall be made available to improve
physical access, telecommunications infrastructure, and
early-warning mechanisms in areas affected by the Lord’s
Resistance Army (LRA), and not less than $1,000,000
shall be made available to support the disarmament, demo-
bilization and reintegration of former LRA combatants,
especially child soldiers.
(k) **WAR CRIMES IN AFRICA.**—
(1) The Congress reaffirms its support for the
efforts of the International Criminal Tribunal for
Rwanda (ICTR) and the Special Court for Sierra
Leone (SCSL) to bring to justice individuals respon-
sible for war crimes and crimes against humanity in
a timely manner.
(2) Funds appropriated by this Act, including
funds for debt restructuring, may be made available
for assistance for the central government of a coun-
try in which individuals indicted by the ICTR and
the SCSL are credibly alleged to be living, if the
Secretary of State determines and reports to the

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Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

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

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and
(C) the justification for exercising the waiver authority.

(l) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

ASIA

SEC. 7062. (a) TIBET.—

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

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

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct
the United States executive directors of the inter-
national financial institutions to vote against any
loan, agreement, or other financial support for
Burma.
(2) Funds appropriated by this Act may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: Provided, That such funds shall be made available to support programs in Burma, along Burma’s borders, and for Burmese groups and organizations located outside Burma: Provided further, That not less than $5,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees appropriated under the heading “Migration and Refugee Assistance” in this Act: Provided further, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State cer-
tifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking effective steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Indonesia, $2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in the report accompanying this Act.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Indonesia, not less than $400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) PEOPLE’S REPUBLIC OF CHINA.—

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

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, of the funds appropriated under the heading “Economic Support Fund”, not less than $20,000,000 shall be made available to United States institutions of higher education and non-governmental organizations for programs and activities in the People’s Republic of China relating to de-
democracy, governance, rule of law, and the environment.

(f) PHILIPPINES.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for the Philippines, $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines required under such heading in the report accompanying this Act.

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

(h) VIETNAM.—Of the funds appropriated under the heading “Economic Support Fund”, not less than $15,000,000 shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and not less than $5,000,000 under the heading “Development Assistance” shall be made available for related health/disability activities.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

Sec. 7063. (a) None of the funds appropriated under the heading “Assistance for Europe, Eurasia and Central
Asia” may be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act, unless the Secretary of State determines that to do so is in the national security interests of the United States.

(b) Funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia” for the Russian Federation, Armenia, Azerbaijan, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

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

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

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

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;
(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

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

(6) humanitarian assistance.

CENTRAL ASIA

SEC. 7064. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): Provided, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees
on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: Provided further, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: Provided further, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term “assistance” shall not include expanded international military education and training.

SOUTH ASIA

SEC. 7065. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United
States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(A) The funds will be used to support programs and activities that can be sustained by Afghan national, provincial or local governments.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources; and

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

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.
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(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(2) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency
to ensure that such funds are used for the purposes for which they were intended: *Provided,*

That the assessment procedures of the Department of State and USAID shall be standardized and provide reasonable assurance of detecting significant vulnerabilities that could result in the waste or misuse of United States funds: *Provided further,* That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further,* That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(B) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities
due to restrictions on security personnel by the Government of Afghanistan.

(3) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7056 and 7057 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and women-led organizations.

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan
society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism;

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International
Security Assistance Force Post-Operations

Humanitarian Relief Fund; and

(iv) may be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

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

(C)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than $75,000,000 shall be made available for rule of law programs: Provided, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Inter-agency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: Provided further, That $250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading “Office
of Inspector General” in title I of this Act for oversight of such programs and activities.

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

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

(E) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(F) None of the funds appropriated by this Act under the heading “Economic Support Fund” may be made available for transportation infrastructure in Afghanistan unless the
Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan has established a standardized rail gauge consistent with that utilized by Central Asian states, including Uzbekistan: Provided, That the Secretary of State may waive the requirement of this paragraph if the Secretary of State reports to the Committees on Appropriations that to do so is important to the national security interests of the United States.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether an International Monetary Fund (IMF) country program for Afghanistan has been established: Provided, That if such program has not been established by that date, the report required by this paragraph shall include specific actions requested by the IMF, and taken by the Government of Afghanistan, to address the Kabul Bank crisis and restore confidence in Afghanistan’s banking sector.

(4) OVERSIGHT.—

(A) The Special Inspector General for Afghanistan Reconstruction, the Inspector Gen-
eral of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(B) The USAID Administrator should provide for independent, transparent evaluations of assistance programs and activities in Afghanistan which exceed $25,000,000.

(b) NEPAL.—

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

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

(B) working constructively to redefine the Nepal Army’s mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian min-
istry of defense to improve budget transparency
and accountability, and facilitate the integration
of former rebel combatants into the security
forces including the Nepal Army, consistent
with the goals of reconciliation, peace and sta-
bility.

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

c) PAKISTAN.—

(1) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
sistance.—Funds appropriated by this Act for as-
sistance for Pakistan may be made available for di-
rect government-to-government assistance only if the
Secretary of State certifies to the Committees on
Appropriations that the Government of the United
States and the Government of Pakistan have agreed,
in writing, to achievable and sustainable goals,
benchmarks for measuring progress, and expected
results for the use of such funds, and have estab-
lished mechanisms within each implementing agency
to ensure that such funds are used for the purposes
for which they were intended: Provided, That the
Secretary of State should suspend any direct govern-
ment-to-government assistance to an implementing
agency if the Secretary has credible information of misuse of such funds by any such agency. *Provided further,* That funds made available pursuant to this subparagraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) **INFRASTRUCTURE PROJECTS.**—Funds appropriated under the heading “Economic Support Fund” in this Act that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(3) **MILITARY ASSISTANCE.**—Funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Pakistan Counter-insurgency Capability Fund” that are available for assistance for Pakistan may be made available only to support counter-terrorism and counter-insurgency operations in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) **CERTIFICATION AND REPORT.**—

(A) **CERTIFICATION.**—
(i) Prior to the obligation of funds in titles III and IV and under the heading “Pakistan Counter-Insurgency Capability Fund” in this Act for assistance for the Government of Pakistan, the Secretary of State shall certify to the Committees on Appropriations that the Government of Pakistan is—

(I) cooperating with the United States in efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from operating in Pakistan and carrying out cross border attacks into neighboring countries;

(II) not impeding the issuance of visas for United States visitors engaged in counterterrorism efforts and assistance programs, in Pakistan; and

(III) providing humanitarian organizations access to detainees, internally displaced persons, and other
Pakistani civilians affected by the conflict.

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

(B) REPORT.—The spend plan required by section 7083 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering the development of Pakistan, countering extremism, and establishing conditions conducive to the rule of law and accountable governance: Provided, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report on the status of achieving the goals and benchmarks in the spend plan: Provided further, That the Secretary of State should suspend assistance for the Government of Pakistan if any such report indicates that Pakistan is failing to make measurable progress in meeting any such goal or benchmark.
(5) Precursor Chemicals.—Funds appropriated under the heading “Economic Support Fund” that are available for assistance for Pakistan should be made available to stop the flow of precursor materials used to manufacture Improvised Explosive Devices, including calcium ammonium nitrate, from Pakistan to Afghanistan, including programs to train border and customs officials in Pakistan and Afghanistan as well as agricultural extension programs that encourage alternative fertilizers among Pakistani farmers.

(6) Human Rights and Democracy.—Of the funds appropriated under the heading “Economic Support Fund” in this Act for assistance for Pakistan $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(7) Chief of Mission.—Of the funds appropriated under the heading “Economic Support Fund” in this Act for assistance for Pakistan, up to $10,000,000 may be made available to the Chief of
Mission to address unanticipated humanitarian needs: *Provided, That* such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(d) *Sri Lanka.*—

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

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;
(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

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

(3) If the Secretary makes the certification required in paragraph (2), funds appropriated under the heading “Foreign Military Financing Program” that are made available for assistance for Sri Lanka
should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

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

ENTERPRISE FUNDS

SEC. 7066. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular
notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7067. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect.
EXTRADITION

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

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.
CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7069. (a) In General.—Of the funds appropriated by this Act, up to $1,250,000,000 may be made available for programs and activities to—

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

(2) support climate change adaptation; and

(3) protect biodiversity, including wildlife, tropical forests, and other critical landscapes.

(b) Uses of Clean Energy Funding.—Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “Assistance for Europe, Eurasia and Central Asia” for clean energy programs and activities, may be made available only to support and promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting.

(c) Tropical Forest Programs.—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, including not less than $2,000,000 to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of,
the Committees on Appropriations: Provided, That of the funds that are available for the Central African Regional Program for the Environment (CARPE) and other tropical forest programs in the Congo Basin, not less than $9,000,000 shall be apportioned directly to the United States Fish and Wildlife Service to implement such programs: Provided further, That not less than $10,000,000 shall be made available for biodiversity conservation programs in the Brazilian Amazon, not less than $15,000,000 shall be made available for such programs in the Andean Amazon, and not less than $1,000,000 shall be apportioned directly to the Department of the Interior for programs in the Guatemala Mayan Biosphere Reserve.

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

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.
(f) **Extraction of Natural Resources.**—

(1) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, section 8204 of Public Law 110–246, and the Kimberley Process Certification Scheme, and by providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2)(A) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury’s Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111–203, and unless such government has in place functioning
systems in the sector in which assistance is being considered for:

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

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

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

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

(C) Not later than 180 days after enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by
country, for the extraction and export of natural re-
sources in the preceding 12 months, whether each
institution considered, in providing such assistance,
the extent to which the country has functioning sys-
tems, laws or regulations in place to prevent or limit
disclosure of company payments as described in sub-
paragraph (A).

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

(g) **Clean Technology Fund.**—

(1) Authorization of Appropriations.—For
fiscal year 2011, up to $350,000,000 is authorized
to be appropriated for a United States contribution
to the Clean Technology Fund (the Fund).

(2) Limits on Country Access.—The Sec-
retary of the Treasury shall use the voice and vote
of the United States to ensure that—
(A) the Fund does not provide more than
15 percent of Fund resources to any one coun-
try;

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

(C) the investment plan for a recipient
country, whose borrowing status is classified by
the World Bank as “International Development
Association blend”, shall have at least 15 per-
cent of its total cost for public sector activities
contributed from the public funds of the recipi-
ent country, and any recipient country whose
borrowing status is classified by the World
Bank as “International Bank for Reconstruc-
tion and Development Only” status, shall have
at least 25 percent of its total cost for public
sector activities contributed from public funds
of the recipient country; and
(D) assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

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

PROHIBITION ON PROMOTION OF TOBACCO

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

COMMERCIAL LEASING OF DEFENSE ARTICLES

Sec. 7071. The second sentence of section 23(a) of the Arms Export Control Act, as amended, (Public Law 96–29) is further amended by striking “and Egypt” and
inserting “, Egypt, and NATO and major non-NATO al-
lies”.

INTERNATIONAL PRISON CONDITIONS

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

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

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

TRANSPARENCY, ACCOUNTABILITY AND ANTI-
KLEPTOCRACY

SEC. 7073. (a) UNITED NATIONS.—

(1) The Secretary of State, following consulta-
tion with the Committees on Appropriations, may
withhold from obligation funds appropriated under
the heading “International Organizations and Pro-
grams” for a United States contribution to a United
Nations organization or agency if the Secretary de-
determines that such organization or agency is not
taking adequate steps to increase transparency and
accountability.

(2) Not later than 45 days after enactment of
this Act, the Secretary of State shall submit a report
to the Committees on Appropriations detailing steps
taken by the Global Fund to Fight AIDS, Tuberc-
culosi s, and Malaria (the Global Fund) to:

(A) maintain and adopt, as necessary, poli-
cies and practices to ensure transparency of ex-
penditures, including the authority of the Glob-
al Fund Office of Inspector General (OIG) to
publish OIG reports on a public Web site with-
out restriction;
(B) ensure that the OIG has the necessary staff, budget, independence, and authority to perform functions consistent with its mandate, Charter and Terms of Reference, such as programmatic audits and evaluations, financial audits, and investigations of alleged misuse, misappropriation and fraud involving any Global Fund grant resources; and

(C) ensure that the Inspector General reports directly to the Global Fund Board without interference.

(3) Of the funds appropriated under the heading “Contributions for International Peacekeeping Activities” in this Act, 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the United Nations Secretariat and the governments of countries providing troops for peacekeeping missions have procedures and agreements to ensure that allegations of sexual abuse or other serious crimes by peacekeeping troops will be credibly and thoroughly investigated and the perpetrators brought to justice, and that information about such cases will be made publicly available and regularly updated in the country where
the alleged crime occurred and on the United Na-

tions’ Web site.

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

(A) best practices for legal burdens of
proof;

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

(C) results that eliminate the effects of
proven retaliation;
(D) a minimum of a 6-month statute of limitations for reporting retaliation; and

(E) the option of making external disclosures in certain instances, in accordance with standards adopted by the United Nations Secretariat on December 19, 2005.

(5) Of the funds appropriated under the heading “International Organizations and Programs” in this Act that are available for a contribution to the United Nations Development Program (UNDP), 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the UNDP’s management is taking the necessary steps to demonstrate UNDP’s commitment to make all audit, oversight, and financial information publicly available as soon as possible, and to put in place procedures for publicly reporting on the results of UNDP programs worldwide.

(6) Notwithstanding any other provision of law, the Secretary of State should suspend United States participation in the United Nations Human Rights Council (the Council) unless the Secretary determines and reports to the Committees on Appropriations that continued participation in the Council is in the national interests of the United States.
(b) INTERNATIONAL MONETARY FUND.—

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

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

(3) The Secretary of the Treasury shall seek to ensure that the IMF has adopted and is implementing effective practices to protect whistleblowers (including the IMF’s employees, contract employees, consultants, staff of the Board of Executive Directors, and others affected by the IMF’s operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

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

(C) results that eliminate the effects of proven retaliation; and
(D) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: Provided, That the Secretary of State shall develop “minimum standards of fiscal transparency” to be updated and strengthened, as appropriate, to reflect best practices: Provided further, That the Secretary shall make an annual determination of “progress” or “no progress” for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available on an annual “Fiscal Transparency Report”.

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For the purposes of paragraph (1), “minimum standards of fiscal transparency” shall include standards for the public disclosure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses
for natural resource extraction, to include bidding
and concession allocation practices.

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

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

(d) ANTI-KLEPTOCRACY.—

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

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: Provided, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

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

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

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State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

DISABILITY PROGRAMS

SEC. 7074. (a) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than $5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, of which up to $1,000,000 shall be made available to support disability advocacy organizations to provide training and technical assistance for disabled persons organizations in such countries.

(b) Funds appropriated under the heading “Operating Expenses” in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and
equal participation of people with disabilities in developing countries.

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

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

Sec. 7075. (a) There may be established in the Treasury of the United States a “Buying Power Maintenance, International Organizations” account.

(b) At the end of each fiscal year, the Secretary of State may transfer to, and merge with, “Buying Power Maintenance, International Organizations” such amounts from “Contributions to International Organizations” as the Secretary determines are in excess of the needs of activities funded from “Contributions to International Organizations” because of fluctuations in foreign currency exchange rates.
(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to, and merge with, “Contributions to International Organizations” such amounts from “Buying Power Maintenance, International Organizations” as the Secretary determines are necessary to provide for the activities funded from “Contributions to International Organizations”.

(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for “Contributions to International Organizations”, the Secretary of State may transfer any unobligated balance of such funds to the “Buying Power Maintenance, International Organizations” account.

(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed $50,000,000 as a result of any transfer under this subsection.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.
(c)(1) Funds transferred to the “Buying Power Maintenance, International Organizations” account pursuant to this section shall remain available until expended.

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

PROHIBITION ON FIRST-CLASS TRAVEL

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

MILLENNIUM CHALLENGE CORPORATION COMPACTS

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

“(j) EXTENSION OF COMPACT.—

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

“(2) EXCEPTION.—The duration of a Compact may be extended beyond 5 years if the Board—
“(A) determines that a project included in
the Compact cannot be completed within 5
years; and

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

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

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

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

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

“(k) CONCURRENT AND SUBSEQUENT COMPACTS.—
“(1) IN GENERAL.—Subject to paragraph (2),
and in accordance with the requirements of this
and in accordance with the requirements of this
title, an eligible country and the United States may
title, an eligible country and the United States may
enter into and have in effect concurrent and/or sub-
enter into and have in effect concurrent and/or sub-
sequent Compacts.
sequent Compacts.
“(2) REQUIREMENTS.—An eligible country and
the United States may enter into concurrent or sub-
the United States may enter into concurrent or sub-
sequent Compacts if the Board determines that such
country—
country—
“(A) is making significant, consistent
progress in implementing the terms of its exist-
progress in implementing the terms of its exist-
ing Compact(s) and supplementary agreements
ing Compact(s) and supplementary agreements
to such Compact(s); and
to such Compact(s); and
“(B) will contribute, in the case of a Low
Income Country as defined in section 606(a),
Income Country as defined in section 606(a),
not less than a 7.5 percent contribution of the
not less than a 7.5 percent contribution of the
total amount agreed upon for a subsequent
total amount agreed upon for a subsequent
Compact, or in the case of a Lower Middle In-
Compact, or in the case of a Lower Middle In-
come Country (LMIC) as defined in section
come Country (LMIC) as defined in section
606(b), a 15 percent contribution for a subse-
606(b), a 15 percent contribution for a subse-
quently Compact.
quently Compact.
“(3) FUNDING.—Millennium Challenge Cor-
quency Compact at the time it funds the Compact.
“(4) Timing.—A concurrent Compact shall be
signed not later than 2 years after the signing of the
earlier compact.

“(5) Limitation on Compacts.—The MCC
shall provide no more than 15 years of compact
funding to any country.”.

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

(d) Maintaining Candidate Status for Pur-
poses of Income Category.—Section 606 of the Mil-
leennium Challenge Act of 2003 (22 U.S.C. 7705) is
amended as follows:

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

(2) Section (a)(1)(A) is stricken and replaced
with the following: “The country has a per capita in-
come equal to or below the World Bank’s lower mid-
dle income country threshold for the fiscal year in-
volved and is among the 75 lowest per capita income countries as identified by the World Bank; and’’;
(3) Section (a)(2) is stricken.
(4) Section (b)(1)(A) is stricken and replaced with the following: “has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year involved and is not among the 75 lowest per capita income countries as identified by the World Bank; and’’.
(c) Section 606 is amended by inserting the following—
“(d) INCOME CLASSIFICATION TRANSITION.—Any country with a per capita income that changes in a given fiscal year such that the country would be reclassified in that fiscal year from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year of the country’s transition and the two subsequent fiscal years.”.

INSPECTORS GENERAL PERSONNEL
(2) The term “Government Employee” has the meaning given the term employee in section 2105 of title 5, United States Code.

(3) The Inspector General may waive any of the following provisions to employ annuitants (individuals who are entitled to benefits under a retirement system for Government employees): subsections (a) through (d) of section 8344 of title 5, United States Code; subsections (a), (b) and (e) of section 8468 of title 5, United States Code; subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064); and any other similar provision of law, as identified by the Inspector General in regulations: Provided, That the Inspector General may exercise this authority: only on a case-by-case basis and only for so long as is necessary; when necessary due to exceptional difficulty in the recruitment or retention of a qualified employee for the position involved or a temporary emergency hiring need; as long as it does not cause the number of employees within the Office of Inspector General (OIG) employed under this or other similar authority to exceed, as of any given date, 15 percent of the total OIG workforce, determined on a full-time equivalent basis; and this authority is repealed on October 1, 2014, except that an annuitant re-employed pursuant to the waiver in
this section before October 1, 2014, may continue such employment until not later than September 30, 2015.

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

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

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

(B) The authority to obtain such services shall expire on September 30, 2014 except that an individual whose service under this subsection is procured before October 1, 2014, may continue to pro-
vide such service until not later than September 30, 2015.

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

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

(2) in subsection (d)(2)—

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

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

(C) striking subparagraph (F).

CONSULAR AFFAIRS PILOT PROGRAMS

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

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

(B) The Secretary of State shall also conduct a
risk and benefit analysis regarding the extension of
the expiration period for B–1 or B–2 visas for citizens of the People’s Republic of China from 1 year to 2 years before requiring consular officers to re-interview a visa applicant.

(2) Not later than 90 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on Consular Affairs programs in the People’s Republic of China, Brazil, and India including steps the Department of State has taken in these countries to meet the State Department’s visa processing standards; a 5-year forecast of non-immigrant visas for each of these countries and the number of consular officers necessary to meet the State Department’s standards; a comparison of the Department of State’s 5-year forecast with the Commerce Department’s 5-year visitor arrival projections; and the impact of the different projections on visa process times and required number of consular officers.

(b) VIDEO CONFERENCE PILOT PROGRAM.—

(1) The Secretary of State may develop and conduct a pilot program for the processing of B–1 and B–2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, and in consultation with other
Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption.

(2) Not later than 90 days after the end of such a pilot program, the Secretary shall submit a report to the Committees on Appropriations detailing the results of such program including an assessment of the efficacy, efficiency, and security of the remote videoconferencing technology as a method for conducting visa interviews of applicants and recommendations for whether it should be continued, broadened, or modified.

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

WORKING CAPITAL FUND

Sec. 7080. (a) The Administrator of the United States Agency for International Development (the Administrator) is authorized to establish a Working Capital Fund (in this section referred to as the “Fund”).

(b) Funds deposited in the Fund during any fiscal year shall be available without fiscal year limitation and
used, in addition to other funds available for such purposes, for agency procurement reform efforts and related administrative costs: Provided, That such expenses may include—

(1) personal and non-personal services;

(2) training;

(3) supplies; and

(4) other administrative costs related to the implementation of procurement reform and management of the Fund.

(c) There may be deposited during any fiscal year in the Fund up to 1 percent of the total value of obligations entered into by the United States Agency for International Development (USAID) from appropriations available to USAID and any appropriation made available for the purpose of providing capital: Provided, That receipts from the disposal of, or repayments for the loss or damage to, property held in the Fund, rebates, reimbursements, refunds and other credits applicable to the operation of the Fund may be deposited into the Fund.

(d) Not later than 45 days after enactment of this Act and any subsequent Act making appropriations for the Department of State, foreign operations, and related programs, the Administrator shall submit to the Committees on Appropriations an operating plan for funds deposited
in the Fund, which shall include the percentage to be charged for the current fiscal year.

(c) At the close of fiscal year 2013 and at the close of each fiscal year thereafter, the Administrator shall determine the amounts in excess of the needs of the Fund for that fiscal year and shall transfer out of the Fund any excess amounts to any of the original appropriation accounts from which deposits were made: Provided, That such transferred funds shall remain available without fiscal year limitation: Provided further, That the Administrator shall report to the Committees on Appropriation the excess amounts and to which appropriation accounts the excess funds will be transferred: Provided further, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

PROCUREMENT REFORM

Sec. 7081. (a) Local Competition.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (the Administrator) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the
Administrator to initiate a program or activity in appreciably less time than if competition were not so limited:

Provided, That the authority provided in this section may not be used to make awards in excess of $5,000,000.

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

OPERATING AND SPEND PLANS

Sec. 7082. (a) Operating Plans.—Not later than 45 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) Spend Plans.—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appro-
priations a detailed spend plan, which shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results, for the following—

(1) funds appropriated under the heading “Democracy Fund”;

(2) funds made available in titles III and IV of this Act for assistance for Afghanistan, Pakistan, Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and the Central American Regional Security Initiative; and

(3) funds appropriated in title III for food security and agriculture development programs and for climate change and environment programs.

(e) Notifications.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

AUTHORITY FOR CAPITAL INCREASES

SEC. 7083. (a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:
“SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.

“The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled ‘Enhancing Voice and Participation of Developing and Transition Countries,’ of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

“SEC. 70. CAPITAL STOCK INCREASES.

“(a) Increases Authorized.—The United States Governor of the Bank is authorized—

“(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

“(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

“(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and
“(B) to subscribe on behalf of the United States to 81,074 additional shares of the capital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

“(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, $9,780,361,991 for payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

“(A) $586,821,720 shall be for paid in shares of the Bank; and

“(B) $9,193,540,271 shall be for callable shares of the Bank.”.

(b) INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act, Public Law 84–350, as amended (22 U.S.C. 282 et seq.), is further
amended by adding at the end thereof the following new section:

“SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.

“(a) Vote Authorized.—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by $130,000,000.

“(b) Amendment of the Articles of Agreement.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes.”.

(c) INTER-AMERICAN DEVELOPMENT BANK.—The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

“SEC. 41. NINTH CAPITAL INCREASE.

“(a) Vote Authorized.—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by $70,000,000,000 as described in Resolution AG–7/10, ‘Report on the Ninth General Capital Increase in the re-
sources of the Inter-American Development Bank’ as ap-
proved by Governors on July 21, 2010.

“(b) SUBSCRIPTION AUTHORIZED.—

“(1) The United States Governor of the Bank
may subscribe on behalf of the United States to
1,741,135 additional shares of the capital stock of
the Bank.

“(2) Any subscription by the United States to
the capital stock of the Bank shall be effective only
to such extent and in such amounts as are provided
in advance in appropriations Acts.

“(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

“(1) In order to pay for the increase in the
United States subscription to the Bank under sub-
section (b), there are authorized to be appropriated,
without fiscal year limitation, $21,004,064,337 for
payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appro-
priated under paragraph (1)—

“(A) $510,090,175 shall be for paid in
shares of the Bank; and

“(B) $20,493,974,162 shall be for callable
shares of the Bank.”.
(d) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act, Public Law 97–35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

“SEC. 1344. SIXTH CAPITAL INCREASE.

“(a) Subscription Authorized.—

“(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

“(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

“(b) Limitations on Authorization of Appropriations.—

“(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,322,228,221 for payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appropriated under paragraph (1)—

“(A) $259,341,759 shall be for paid in shares of the Bank; and
“(B) $4,062,886,462 shall be for callable shares of the Bank.”.

(c) European Bank for Reconstruction and Development.—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101–513, as amended (22 U.S.C. 290l et seq.), is further amended by adding at the end thereof the following new paragraph:

“(12) Capital increase.—

“(A) Subscription authorized.—

“(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

“(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

“(B) Limitations on authorization of appropriations.—In order to pay for the increase in the United States subscription to the
Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to $1,252,331,952 for payment by the Secretary of the Treasury.”.

AUTHORITY FOR REPLENISHMENTS

SEC. 7084. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86–565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

“SEC. 26. SIXTEENTH REPLENISHMENT.

“(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,075,500,000 for payment by the Secretary of the Treasury.

“SEC. 27. MULTILATERAL DEBT RELIEF.

“(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $474,000,000 to the International Development Associa-
tion for the purpose of funding debt relief cost under the
Multilateral Debt Relief Initiative incurred in the period
governed by the sixteenth replenishment of resources of
the International Development Association, subject to ob-
taining the necessary appropriations and without preju-
dice to any funding arrangements in existence on the date
of the enactment of this section.

“(b) In order to pay for the United States contribu-
tion provided for in subsection (a), there are authorized
to be appropriated, without fiscal year limitation, not more
than $474,000,000 for payment by the Secretary of the
Treasury.

“(c) In this section, the term ‘Multilateral Debt Re-
lief Initiative’ means the proposal set out in the G8 Fi-
nance Ministers’ Communiqué entitled ‘Conclusions on
Development’, done at London, June 11, 2005, and re-
affirmed by G8 Heads of State at the Gleneagles Summit
on July 8, 2005.”.

(b) AFRICAN DEVELOPMENT BANK.—The African
Development Fund Act, Public Law 94–302, as amended
(22 U.S.C. 290g et seq.), is further amended by adding
at the end thereof the following new sections:

“SEC. 221. TWELFTH REPLENISHMENT.

“(a) The United States Governor of the Fund is au-
thorized to contribute on behalf of the United States
$585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $585,000,000 for payment by the Secretary of the Treasury.

“SEC. 222. MULTILATERAL DEBT RELIEF.

“(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $60,000,000 for payment by the Secretary of the Treasury.
“(c) In this section, the term ‘Multilateral Debt Relief Initiative’ means the proposal set out in the G8 Finance Ministers’ Communiqué entitled ‘Conclusions on Development’, done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.”.

AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

SEC. 7085. Up to $36,000,000 of funds appropriated for the account “Department of the Treasury, Debt Restructuring” by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 7086. Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 104C, the following new section:

“SEC. 104D. ELIGIBILITY FOR ASSISTANCE.

“Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under sections 104, 104A, 104B, and 104C—
“(1) a foreign nongovernmental organization shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organization with non-United States Government funds if such services are permitted in the country in which they are being provided and would not violate United States law if provided in the United States; and

“(2) a foreign nongovernmental organization shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under this part.”.

(RESCISSIONS)

Sec. 7087. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Diplomatic and Consular Programs”, $13,700,000 are rescinded, of which $8,000,000 shall be from funds for Worldwide Security Protection: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursu-
ant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading “Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation” from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $300,000,000 are rescinded.

c) Of the unexpended balances available to the President for bilateral economic assistance under the heading “Economic Support Fund” from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $150,000,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations prior to implementing the rescissions made in this section.
TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, $3,773,701,000, to remain available until September 30, 2013, of which $236,201,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to $230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That funds appropriated under this heading may be made available pursuant to the authority of section 7032(u) of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.
For an additional amount for “Office of Inspector General”, $63,954,000, to remain available until September 30, 2013, of which $16,317,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

For an additional amount for “Contributions for International Peacekeeping Activities”, $17,900,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.
UNITED STATES INSTITUTE FOR PEACE
For an additional amount for “United States Institute for Peace”, $8,411,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
FUNDS APPROPRIATED TO THE PRESIDENT
OPERATING EXPENSES
For an additional amount for “Operating Expenses”, $106,000,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OFFICE OF INSPECTOR GENERAL
For an additional amount for “Office of Inspector General”, $2,000,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.
Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, $150,000,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, $3,500,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

COMPLEX CRISIS FUND

For an additional amount for “Complex Crises Fund”, $45,000,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations...

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, $1,172,821,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, $100,000,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, $1,163,000,000, to
remain available until September 30, 2013: Provided,

That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-terrorism, Demining and Related Programs”, $27,500,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, $30,000,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.
Funds Appropriated to the President

Foreign Military Financing Program

For an additional amount for “Foreign Military Financing Program”, $989,000,000, to remain available until September 30, 2013: Provided, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

Pakistan Counter-Insurgency Capability Fund

(including transfer of funds)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, $1,000,000,000, to remain available until September 30, 2012, for the purpose of providing assistance for Pakistan to build and maintain the counter-insurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: Provided, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961,
as amended by this Act, such funds shall be available to
the Secretary of State, with the concurrence of the Sec-
retary of Defense: Provided further, That such funds may
be transferred by the Secretary of State to the Depart-
ment of Defense or other Federal departments or agencies
to support counter-insurgency operations and may be
merged with, and be available, for the same purposes and
for the same time period as the appropriation or fund to
which transferred or may be transferred pursuant to the
authorities contained in the Foreign Assistance Act of
1961: Provided further, That the Secretary of State shall,
not fewer than 15 days prior to making transfers from
this appropriation, notify the Committees on Appropria-
tions, in writing, of the details of any such transfer: Pro-
vided further, That the Secretary of State shall submit not
later than 30 days after the end of each fiscal quarter
to the Committees on Appropriations a report in writing
summarizing, on a project-by-project basis, the uses of
funds under this heading: Provided further, That upon de-
termination by the Secretary of State, with the concur-
rence of the Secretary of Defense, that all or part of the
funds so transferred from this appropriation are not nec-
essary for the purposes herein, such amounts may be
transferred by the head of the relevant Federal depart-
ment or agency back to this appropriation and shall be
available for the same purposes and for the same time pe-
period as originally appropriated: *Provided further,* That any
required notification or report may be submitted in classi-
fied form: *Provided further,* That the amount in this para-
graph is designated by Congress as being for overseas con-
tingency operations pursuant to section 251(b)(2)(A)(ii)
of the Balanced Budget and Emergency Deficit Control
Act of 1985 (Public Law 99–177), as amended.

GLOBAL SECURITY CONTINGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the
United States the “Global Security Contingency Fund”.

For necessary expenses to carry out the provisions
of the Foreign Assistance Act of 1961 and the Arms Ex-
port Control Act to provide assistance, notwithstanding
any other provision of law except sections 620A and 620M
of the Foreign Assistance Act of 1961, as amended by this
Act, for countries designated by the Secretary of State to
enhance the capabilities of military and police forces, and
other security forces that conduct border and maritime se-
curity, internal security, and counter-terrorism operations,
as well as government agencies responsible for such forces,
and to strengthen democratic institutions including the
justice sector (including corrections) and respect for
human rights and the rule of law, where the Secretary
of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region significantly challenges the local capacity to deliver such assistance, $50,000,000, to remain available until September 30, 2013: Provided, That such assistance programs shall be formulated by the Secretary of State in consultation with the Secretary of Defense: Provided further, That programs carried out under this heading shall be approved by the Secretary of State, in consultation with the Secretary of Defense, prior to implementation: Provided further, That the authorities and requirements of the Foreign Assistance Act of 1961 shall apply to funds made available under this heading: Provided further, That funds made available to the Department of Defense in fiscal year 2012 may be transferred to, and merged with, funds appropriated under this heading by the Secretary of Defense: Provided further, That funds made available under this heading may be transferred to the most appropriate agency or account to facilitate the provision of such assistance: Provided further, That the transfer authorities under this paragraph are in addition to any other transfer authority available to the Department of Defense: Provided further, That the amounts in this account may be used for necessary administrative expenses of the agencies planning and carrying out programs: Provided further, That the
head of any agency may detail personnel to the Depart-
ment of State to carry out activities funded under this
heading with or without reimbursement for all or part of
the costs of salaries and other expenses associated with
such personnel: Provided further, that no obligation or
transfer of funds may be made unless the Secretary of
State and the Secretary of Defense have notified the Com-
mittees on Appropriations at least 15 days prior to any
such obligation or transfer: Provided further, That the
amount in this paragraph is designated by Congress as
being for overseas contingency operations pursuant to sec-
tion 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
gency Deficit Control Act of 1985 (Public Law 99–177),
as amended.

GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of
law, funds made available under the heading “Overseas
Contingency Operations” are in addition to amounts ap-
propriated or otherwise made available for the Depart-
ment of State for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act,
additional amounts appropriated under the heading
“Overseas Contingency Operations” to appropriation ac-
counts in this Act shall be available under the authorities
and conditions applicable to such appropriations accounts.
SEC. 8003. Notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act, funds appropriated by this title may be transferred to, and merged with, funds appropriated by this title under the headings “Diplomatic and Consular Programs”, “Worldwide Security Protection”, “Office of Inspector General”, “Contributions for International Peacekeeping Activities”, “United States Institute for Peace”, “United States Agency for International Development, Funds Appropriated to the President, Operating Expenses”, “United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General”, “International Disaster Assistance”, “Transition Initiatives”, “Complex Crises Fund”, “Economic Support Fund”, “Migration and Refugee Assistance”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining, and Related Programs”, “Peacekeeping Operations”, “Foreign Military Financing Program”, “Pakistan Counter-insurgency Capability Fund”, and “Global Stability Contingency Fund”: Provided, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other pro-
vision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

This Act may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012”.
A BILL

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

SEPTEMBER 22, 2011
Read twice and placed on the calendar