A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of State, foreign operations, and related pro-
6 grams for the fiscal year ending September 30, 2013, and
7 for other purposes, namely:
For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $7,437,468,000, of which up to $1,428,468,000 is for Worldwide Security Protection (to remain available until expended): Provided, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses 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 authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,448,702,000, to remain available until September 30, 2014, of which not less than $132,311,000 shall be available only for public diplomacy American salaries, and up to $218,110,000 is for Worldwide Se-
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, $2,631,039,000, to remain available until September 30, 2014, of which not less than $409,255,000 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, $892,982,000, to remain available until September 30, 2014.

(4) Security Programs.—For necessary expenses for security activities, $1,464,745,000, to remain available until September 30, 2014, of which up to $1,210,358,000 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) 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

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

(6) Transfer, Reprogramming, and Other Matters.—

(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 “Emer-
gencies 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.

(D) Of the funds appropriated under this heading, up to $56,500,000, to remain available until expended, may be transferred to, and merged with, funds previously made available under the heading “Conflict Stabilization Operations” in title I of prior acts making appropriations for the Department of State, foreign operations and related programs.

(E) Of the funds appropriated under this heading, not more than $570,763,000 may be made available for Department of State operations in Afghanistan, not more than $29,970,000 may be made available for such operations in Pakistan, and not more than
$250,000,000 may be made available for such operations in Iraq.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $90,000,000, 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, $67,000,000, 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, $625,000,000, 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 EXPENSES

For representation expenses 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, $35,000,000, to remain available until September 30, 2014.

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, $948,925,000, to remain available until expended as authorized, of which not to exceed $7,500 may be used for domestic and overseas representation expenses 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, $688,799,000, 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 2013.

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, $9,500,000, 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, $1,800,000, as authorized, of which $711,000 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), $37,200,000.

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, conventions or specific Acts of Congress, $1,389,737,000: 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 at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting de-
crease elsewhere in the United Nations budget: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2013, on any credits available to the United States from the United Nations Tax Equalization Fund (TEF) and provide updated fiscal year 2014 assessment costs including offsets from available TEF credits and updated foreign currency exchange rates: *Provided further*, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be 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 Government 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 expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $2,006,500,000, of which 15 percent shall remain available until September 30, 2014: Provided, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified: (1) of the estimated cost and duration of the mission, the national interest that will be served, and the exit strategy; (2) that the United Nations has taken necessary measures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in the peacekeeping mission, including prosecution in their home countries of such individuals in connection with such acts, and to make information about
such cases publicly available in the country where an al-
leged crime occurs and on the United Nations’ Web site;
and (3) pursuant to section 7015 of this Act, and the pro-
cedures therein followed, setting forth the source of funds
that will be used to pay the cost of the new or expanded
mission: Provided further, That funds shall be available
for peacekeeping 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 ac-
tivities equal to those being given to foreign manufacturers
and suppliers: Provided further, That the Secretary of
State shall work with the United Nations and governments
contributing peacekeeping troops to implement effective
vetting procedures to ensure that such troops have not vio-
lated human rights: Provided further, That none of the
funds appropriated or otherwise made available under this
heading 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 na-
tional, unless the President’s military advisors have sub-
mitted to the President a recommendation that such in-
volvement is in the national interests of the United States
and the President has submitted to the Congress such a
recommendation: Provided further, That notwithstanding
any other provision of law, funds appropriated or other-
wise made available under this heading shall be available
for United States assessed contributions up to the amount
specified in the Annex contained in United Nations Gen-
eral Assembly document A/64/220/Add.1 for the period
ending December 31, 2012, and in the next approved
United Nations General Assembly Resolution regarding
the scale of assessments for United Nations peacekeeping
operations for the period beginning January 1, 2013: Pro-
vided further, That the Secretary of State shall report to
the Committees on Appropriations not later than May 1,
2013, of any credits available to the United States result-
ing from United Nations peacekeeping missions or the
United Nations Tax Equalization Fund: Provided further,
That any such credits shall only be available for United
States assessed contributions to the United Nations and
shall be 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 applicable to the United States Section, including not to exceed $1,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $46,700,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $31,500,000, 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 authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $13,500,000: Provided, That of the amount provided under this heading for the International Joint Commission, $5,000 may be made available for representation expenses.
INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $40,700,000: 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, $724,200,000: Provided, That funds appropriated under this heading shall be made available 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 development and use of such technologies with the Secretary of State, as appropriate: Provided further, That not later than 180 days after enactment of this Act, the BBG shall submit to the Committees on Appropriations a report on how the BBG’s multiyear strategy and fiscal year 2013 budget reflect input from the Department of State and other relevant Federal agen-
cies regarding regional priorities supporting United States national interests: *Provided further*, That of the total amount appropriated under this heading, not to exceed $35,000 may be used for representation expenses, of which $10,000 may be used for representation expenses within the United States as authorized, and not to exceed $30,000 may be used for 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, 2013: *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, 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 subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the entity’s journalistic code of ethics: *Provided further*, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language serv-
ices shall be subject to the regular notification procedures
of the Committees on Appropriations: Provided further,
That in addition to funds made available under this head-
ing, 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 Bu-
reau, shall remain available until expended for carrying
out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS
For the purchase, rent, construction, and improve-
ment of facilities for radio and television transmission and
reception, and purchase and installation of necessary
equipment for radio and television transmission and recep-
tion, including to Cuba, as authorized, $8,850,000, to re-
main 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 au-
thorized.
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, $38,225,000, to remain available until September 30, 2014, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

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, 2013, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2013, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for
the payment thereof, in excess of the rate authorized by
5 U.S.C. 5376; or for purposes which are not in accord-
ance with OMB Circulars A–110 (Uniform Administrative
Requirements) and A–122 (Cost Principles for Non-profit
Organizations), including the restrictions on compensation
for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM
For necessary expenses of the Israeli Arab Scholar-
ship Program, as authorized by section 214 of the Foreign
Relations Authorization Act, Fiscal Years 1992 and 1993
(22 U.S.C. 2452), all interest and earnings accruing to
the Israeli Arab Scholarship Fund on or before September
30, 2013, to remain available until expended.

INTERNATIONAL CENTER
Not to exceed $1,806,600 shall be derived from fees
collected from other executive agencies for lease or use of
facilities 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, $5,970,150, to be
derived from the reserve authorized by such section, to be
used for the purposes set out in such section and for devel-
opment, maintenance, and security of additional prop-
certies for use as an International Center by foreign gov-
ernments or international organizations.
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, $236,000,000, to remain available until expended, of which $200,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $36,000,000 shall be for democracy, human rights, and rule of law programs.
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, $634,000, 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), as amended, $3,250,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2014.

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, $2,579,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2014.
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 $500 for representation expenses, to remain available until September 30, 2014.

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 $2,500 for representation expenses, to remain available until September 30, 2014: Provided, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2013 and shall apply to funds appropriated under this heading as if included in 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, $1,281,100,000, to remain available until September 30, 2014, of which not more than $137,000,000 may be made available for United States Agency for International Development (hereinafter in this Act “USAID”) operations in Afghanistan, not more than $37,000,000 may be made available for such operations in Pakistan, and not more than $12,000,000 may be made available for such operations in Iraq: Provided, That 10 percent of the funds appropriated under this heading may not be obligated until the USAID Administrator submits to the Committees on Appropriations a comprehensive review of the Agency’s policies and practices with respect to unsolicited and small grant proposals, and university and private sector partnership solicitations, and such review shall include specific recommendations for improving access to information for, and consideration of, such proposals and solicitations: Provided further, 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 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 during fiscal year 2014 may entail commitments for the expenditure of such funds through the following fiscal year: Provided further, That any decision to open a new or reorganized 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,
between the cost categories in the table included under this heading in the report accompanying this Act, and any new administrative initiative not specifically justified in USAID’s fiscal year 2013 Congressional Budget Justification 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 $200,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses, for USAID during the current fiscal year.

**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, $140,000,000, 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,
$51,000,000, to remain available until September 30, 2014, which sum shall be available for the Office of Inspector General, USAID.

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, as follows:

GLOBAL HEALTH PROGRAMS

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, $2,928,968,000, to remain available until September 30, 2014, and which shall be apportioned directly to 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 related 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 may 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 not later than 6 months after the date of 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 eighth and ninth provisos under this heading in the Consolidated Appropriations Act, 2012 (Public Law 112–74) 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, $5,550,000,000, to remain available until September 30, 2017, which shall be apportioned directly to the Department of State: Provided, That the annual
report required by section 104A(f) of the Foreign Assistance Act of 1961, which report shall be submitted hereafter, as well, to the Committees on Appropriations, shall include for each regional and bilateral partnership framework country a description of the transition strategy for each such country within the President’s Emergency Plan for AIDS Relief, including details on the host country and/or multilateral organization capacity to sustain the achievements of United States-funded HIV/AIDS and related programs: Provided further, That funds appropriated under this paragraph may 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 the amount of such contribution should be $1,650,000,000: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2013 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, $3,050,000,000, to remain available until
September 30, 2014: Provided, That of the funds appro-
 priated under this heading, $23,000,000 shall be made
available for the American Schools and Hospitals Abroad
program, and not less than $10,000,000 shall be made
available for USAID cooperative development programs
within the Office of Private and Voluntary Cooperation.

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 recon-
struction assistance, $1,250,000,000, to remain available
until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster re-
habilitation and reconstruction assistance pursuant to sec-
tion 491 of the Foreign Assistance Act of 1961,
$59,000,000, to remain available until expended, to sup-
port 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 USAID 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 CRISIS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the USAID Administrator, in consultation with the Secretary of State, to support programs and activities to prevent or
respond to emerging or unforeseen complex crises overseas, $50,000,000, to remain available until expended: Provided, 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 may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961, as amended by 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: Provided further, That up to $10,000,000 of the funds appropriated under this heading may be transferred to, and merged with, funds appropriated under the heading “Conflict Stabilization Operations” in title I of prior Acts making appropriations for the Department of State, foreign operations, and related programs.
For the cost of direct loans and loan guarantees provided by USAID, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $40,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act: Provided, That funds provided under this paragraph and funds provided as a gift that are used for purposes of this paragraph 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 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 $750,000,000.

In addition, for administrative expenses to carry out credit programs administered by USAID, $8,200,000, 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, 2015.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $4,524,332,000, to remain available until September 30, 2014: Provided, That of the funds appropriated under this heading, $250,000,000 shall be made available for assistance for Egypt, for programs and activities to reduce poverty and create jobs, strengthen democracy, and protect human rights, including to imple-
ment section 7041(b)(3) of this Act, and 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 Cy-
prus shall be used only for scholarships, administrative
support of the scholarship program, bicommmunal projects,
and measures aimed at reunification of the island and de-
signed to reduce tensions and promote peace and coopera-
tion between the two communities on Cyprus: Provided
further, That of the funds made available for assistance
for Lebanon under this heading, $12,000,000 shall be
used for scholarships at not-for-profit institutions for stu-
dents in Lebanon with high financial need: Provided fur-
ther, That of the funds appropriated under this heading,
not less than $410,000,000 shall be available for assist-
ance for Jordan: Provided further, That of the funds ap-
propriated under this heading, not less than $175,000,000
shall be apportioned directly to USAID for alternative de-
velopment/institution building and local governance pro-
grams in Colombia: Provided further, That notwith-
standing any other provision of law, of the funds appro-
priated under this heading, not more than $15,000,000
may be made available for assistance for Cuba, including
for humanitarian assistance, support for economic reform, private sector initiatives, democracy, and human rights:

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: Provided further, That after consultation with the Committees on Appropriations and the Secretary of the Treasury, the Secretary of State may transfer funds made available under this heading to funds appropriated by this Act under the heading “Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions” for additional payments to such institutions, facilities, and funds enumerated under such headings: Provided further, That funds appropriated under this heading by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs, or under the heading “Assistance for Europe, Eurasia and Central Asia” in such prior Acts, may be made available as a contribution
to an endowment in support of efforts to maintain and
preserve the Auschwitz-Birkenau site.

DEMONCRACY FUND

For necessary expenses to carry out the provisions
of the Foreign Assistance Act of 1961 for the promotion
of democracy globally, $230,000,000, to remain available
until September 30, 2014, of which $136,000,000 shall
be made available for the Human Rights and Democracy
Fund of the Bureau of Democracy, Human Rights, and
Labor, Department of State, and $94,000,000 shall be
made available for the Bureau for Democracy, Conflict,
and Humanitarian Assistance, USAID.

MIDDLE EAST AND NORTH AFRICA INCENTIVE FUND

For necessary expenses for a Middle East and North
Africa Incentive Fund to carry out the provisions of the
Foreign Assistance Act of 1961, as amended by this Act,
$1,000,000,000, to remain available until September 30,
2015, which shall be available, notwithstanding any other
provision of law except section 620M of the Foreign As-


cational, political, economic, and security sectors of their societies: Provided, That funds appropriated under this heading may be made available for scholarships and public diplomacy programs, including educational and professional exchanges, broadcasting, and use of the Internet and social media to facilitate communication with and among the people of the region: Provided further, That funds appropriated under this heading may be made available for the costs of direct and guaranteed loans for countries in the Middle East and North Africa: Provided further, That such costs, including the cost of modifying such loans and loan guarantees, shall be as defined in section 502 of the Congressional Budget Act of 1974, and may include the costs of selling, reducing, or cancelling any amounts owed to the United States or any agency of the United States by any country in the Middle East and North Africa: Provided further, That amounts that are made available under the previous two provisos for the costs of direct loans, loan guarantees, and modifications shall not be considered assistance for the purposes of provisions of law limiting assistance to a country: Provided further, That funds appropriated under this heading may be transferred to, and merged with, funds appropriated under the heading “Contributions for International Peacekeeping” for peacekeeping operations in the Middle East
and North Africa: Provided further, That funds appropriated under this heading may be transferred to any institution, fund, or program for which funds are made available under the heading “Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions” for the purposes of this heading: Provided further, That up to 5 percent of funds appropriated under this heading may be made available for administrative expenses of agencies implementing and managing programs funded under this heading, in addition to funds otherwise available for such purposes, and such funds may be transferred to, and merged with, funds under the headings “Diplomatic and Consular Programs” and “Operating Expenses”: Provided further, That prior to the initial obligation of funds appropriated under this heading the Secretary of State shall consult with the Committees on Appropriations.

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, $2,300,000,000, to remain available until expended, of which $15,000,000 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.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $50,000,000, to remain available until expended.

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, $400,000,000, of which $5,000,000 is for the Office of Inspector General, to remain available until September 30, 2014: Provided, That the Director of the Peace
Corps (the Director) 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 $100,000 may be available for representation expenses, of which not to exceed $4,000 may be made available for entertainment expenses: Provided further, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That notwithstanding the previous proviso, section 614 of division C of Public Law 112–74 shall apply to Peace Corps volunteers to the same effect as it applies to Peace Corps employees.
MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (MCA), $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 MCA for fiscal year 2013: Provided further, That section 605(e) of the MCA 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 MCA 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 com-
pact or threshold country program; or commencing negotiations for any new compact or threshold country program: Provided further, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: Provided further, That notwithstanding section 606(a)(2) of the MCA, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: Provided further, That notwithstanding section 606(b)(1) of the MCA, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank’s lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: Provided further, That any Millennium Challenge Corporation candidate country under
section 606 of the MCA with a per capita income that changes in the fiscal year such that the country would be reclassified 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 and the 2 subsequent fiscal years: Provided further, That section 610 of the MCA shall not apply with respect to the Federal Register: Provided further, That notwithstanding section 609(j) of the MCA, a compact may be extended by the Board of the Corporation up to 1 year due to extraordinary circumstances: Provided further, That of the funds appropriated under this heading, not to exceed $65,000 may be available for representation expenses.

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, $23,500,000, to remain available until September 30, 2014: Provided, That of the funds appropriated under this heading, not to exceed $1,000 may be available for representation expenses.

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), $31,000,000, to remain available until September 30, 2014, of which not to exceed $2,000 may be available for representation expenses: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the African Development Foundation (ADF): 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 ADF 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 ADF shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised: Provided further, That section 503(a) of the African Development Foundation Act (Public Law 96–533; 22 U.S.C. 290h–1(a)) is hereby amended by inserting “United States” before “African Development”.

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,
$29,000,000, to remain available until September 30, 2015, which shall be available notwithstanding any other provision of law.

Title IV

International Security Assistance

Department of State

International Narcotics Control and Law Enforcement

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,484,620,000, to remain available until September 30, 2014: Provided, That funds made available under this heading shall be allocated as follows:

1. Counternarcotics Programs.—$214,520,000 for assistance for counternarcotics programs, including supply and demand reduction, and associated programs: Provided, That the Department of State may 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 purposes of providing such property 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 Appropria-
tions: *Provided further,* That section 482(b) of the
Foreign Assistance Act of 1961 shall not apply to
funds appropriated under this heading, except that
any funds made available notwithstanding such sec-
tion shall be subject to the regular notification pro-
cedures of the Committees on Appropriations: *Pro-
vided further,* That of the funds appropriated under
this heading and under the heading “Foreign Mili-
tary Financing Program” that are available for po-
lice and military forces in Mexico and Central and
South America, not less than $10,000,000 shall be
available for assistance for civilians who suffer harm
as a result of counternarcotics, anti-crime, and coun-
terinsurgency operations by such forces, except that
such funds shall be matched by sources other than
the Government of the United States.

(2) **CIVILIAN JUDICIAL AND SECURITY PRO-
GRAMS.**—$899,600,000 for assistance for rule of
law, justice, corrections, anti-crime, cyber crime, ci-
vilian police, and security sector reform programs, of
which not less than $5,000,000 shall be made avail-
able to combat piracy of United States copyright
materials, consistent with the requirements of sec-
tion 688 (a) and (b) of the Department of State,
Foreign Operations, and Related Programs Appro-
appropriations Act, 2008 (division J of Public Law 110–161): Provided, That the reporting requirements contained in section 1404 of Public Law 110–252 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority: Provided further, That funds appropriated under this heading shall be made available for interagency rule of law training programs.

(3) Aviation.—$243,000,000 for expenses relating to the cost of purchasing, leasing, maintaining, and the disposition of aircraft, and including aircraft used in counternarcotics programs: Provided, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the number of aircraft purchased and leased by the Department of State in previous fiscal year, and the costs of storing and maintaining such aircraft.

(4) Administrative Expenses.—$127,500,000 for administrative expenses, including the costs associated with the hiring of contractors: Provided, That not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detail-
ing the number of personnel, including contractors,
hired by funds made available under this paragraph,
and a description of the job to be performed.

(5) REPROGRAMMING AND OTHER MATTERS.—

(A) Notwithstanding any provision of this
Act, funds may be reprogrammed between sub-
sections under this heading subject to section
7015 of this Act.

(B) Notwithstanding any other provision of
law, the concurrence of the Secretary of State
shall be required for the provision of assistance
under section 1033 of Public Law 105–85, as
amended, and for the provision of any other as-
sistance which is comparable to assistance made
available under this heading but which is pro-
vided by any other Federal department or agen-
cy under any other provision of law, including
assistance to support counternarcotics and anti-
crime activities of a foreign government and for
any foreign law enforcement agency for such
purposes.

(C) The Secretary of State shall provide to
the Committees on Appropriations not later
than 45 days after enactment of this Act and
prior to the initial obligation of funds appro-
appropriated under this heading, a report on the pro-
posed uses of all funds under this heading on
a country-by-country basis for each proposed
program, project, or activity.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-ter-
rorism, demining and related programs and activities,
$635,668,000, 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 activi-
ties, 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 contribu-
tion to the Comprehensive Nuclear Test Ban Treaty Pre-
paratory Commission: Provided, That for the clearance of
unexploded ordnance, the Secretary of State should
prioritize those areas where such ordnance was caused by
the United States: Provided further, That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be available 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, and shall remain available until expended: 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 notwithstanding any other provision of law, funds appropriated under this heading in prior Acts that were previously notified to the Committees on Appropriations for programs in Asia but that remain unobligated on the date of enactment of this Act, shall be
subject to the regular notification procedures of the Com-
mittees on Appropriations prior to obligation: Provided
further, That funds made available for demining and re-
lated 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 Assist-
ance” and “Export Control and Border Security” shall re-
main available until September 30, 2014.

In addition, for assistance for unanticipated non-
proliferation, demining, and anti-terrorism programs in
the Near East and other regions, $60,000,000, to remain
available until expended.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions
of section 551 of the Foreign Assistance Act of 1961,
$391,100,000: 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 of the funds appropriated under this heading,
$28,000,000 shall be made available for a United States
collection to the Multinational Force and Observers
mission in the Sinai: Provided further, That of the funds appropriated under this heading, up to $142,000,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2014: 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, $103,018,000, of which up to $4,000,000 may remain available until September 30, 2014, and may only be provided through the regular notification procedures of the Committees on Appropriations: 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 the Secretary of State shall provide
to the Committees on Appropriations, not later than 45
days after enactment of this Act, a report on the proposed
uses of all program funds under this heading on a country-
by-country basis, including a detailed description of pro-
posed activities: Provided further, That of the funds appro-
priated under this heading, not to exceed $20,000 may
be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the
President to carry out the provisions of section 23 of the
Arms Export Control Act, $5,849,820,000: 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 $3,100,000,000 shall be avail-
able for grants only for Israel, and $1,300,000,000 shall
be available for grants only for Egypt: Provided further,
That the funds appropriated under this heading for assist-
ance for Israel shall be disbursed within 30 days of enact-
ment 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 $815,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated under this heading, $300,000,000 shall be made available for assistance for Jordan: Provided further, That funds appropriated by this Act should not be made available and no defense export license should be issued for tear gas, armored vehicles, small arms, light weapons, ammunition, or other items for crowd control purposes, to the security forces of a foreign country undergoing democratic transition, unless the Secretary of State notifies the Committees on Appropriations that such forces have not repeatedly used excessive force to repress peaceful, lawful, and organized dissent: 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 coordination with the Secretary of Defense, has justified such program to the Com-
mittees 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 submitted 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
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 $60,000,000 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 $10,000 may be available for representation expenses: Provided further, That not more than $885,000,000 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 2013 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.

**Pakistan Counterinsurgency 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, $50,000,000, to remain available until September 30, 2013, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency 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 the terms, conditions, and authorities contained in the first through sixth provisos under this heading in title VIII of division I of Public Law 112–74 shall apply to funds appropriated by this Act under this heading: Provided further, That none of the funds appropriated under this heading in this Act and prior Acts making appropriations for the Department of State, foreign operations, and
related programs may be made available for obligation un-
less the Secretary of State certifies to the Committees on
Appropriations that the Government of Pakistan has re-
opened overland cargo routes available to support United
States and North Atlantic Treaty Organization troops in
Afghanistan, and funds appropriated under this heading
can be used efficiently and effectively by the end of the
fiscal year: Provided further, That if the Secretary cannot
make the certification required in the previous proviso,
funds appropriated by this Act and prior Acts under this
heading shall be transferred to, and merged with, funds
appropriated by this Act under the headings “Develop-
ment Assistance”, “Economic Support Fund”, “Middle
East and North Africa Incentive Fund”, and “Non-
proliferation, Anti-terrorism, Demining and Related Pro-
grams”.

GLOBAL SECURITY CONTINGENCY FUND

For necessary expenses of the Global Security Con-
tingency Fund, as authorized, $25,000,000, to remain
available until expended.
TITLE V
MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL ORGANIZATIONS AND PROGRAMS
For necessary expenses to carry out the provisions
of section 301 of the Foreign Assistance Act of 1961, and
of section 2 of the United Nations Environment Program
Participation Act of 1973, $375,000,000: Provided, That
section 307(a) of the Foreign Assistance Act of 1961 shall
not apply to contributions to the United Nations Demo-
cracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS
GLOBAL ENVIRONMENT FACILITY
For payment to the International Bank for Recon-
struction and Development as trustee for the Global Envi-
ronment Facility by the Secretary of the Treasury,
$139,400,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
ASSOCIATION
For payment to the International Development Asso-
ciation by the Secretary of the Treasury, $1,358,500,000,
to remain available until expended.

For payment to the International Development Asso-
ciation by the Secretary of the Treasury for costs incurred
under the Multilateral Debt Relief Initiative, $50,000,000, 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, $186,957,000, 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 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, $300,000,000, 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, $113,500,000, 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, $25,726,000, 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, $106,799,000, 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, $115,250,000, 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, $32,418,000, 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, $15,150,000, 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, $195,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $32,243,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL


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 limi-
tations, 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 loan, guarantee, and insurance authority available to the Export-Import Bank may not be used to support any coal-fired power plant that does not meet United States Government emissions requirements for new coal-fired power plants: Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or 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, 2013.
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 $38,000,000: 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, 2028, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2013, 2014, 2015, and 2016: 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 $20,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $103,900,000: Provided, That the Export-Import Bank may accept, and use, pay-
ment or services provided by transaction participants for
legal, financial, or technical services in connection with
any transaction for which an application for a loan, guar-
antee 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 September 30,
2013: *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 in-
cluding other personal services) in connection with the col-
lection of moneys owed the Export-Import Bank, reposses-
sion 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 appli-
cation for a loan, guarantee or insurance commitment has
been made, or systems infrastructure directly supporting
transactions: *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

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 2013 in excess of obligations, up to $50,000,000, shall become available on September 1, 2013, and shall remain available until September 30, 2016.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

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 $10,000) shall not exceed
$60,784,000: 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, $31,000,000, 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 2013, 2014, and 2015: Provided further, That funds so obligated in fiscal year 2013 remain available for disbursement through 2021; funds obligated in fiscal year 2014 remain available for disbursement through 2022; and funds obligated in fiscal year 2015 remain available for disbursement through 2023: 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, $57,600,000, to remain available until September 30, 2014: Provided, That of the funds appropriated under this heading, not more than $2,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

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

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2013 or any previous fiscal year, disaggregated by fiscal year: Provided, That the report required by this section should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been 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 inspection, except where otherwise provided under existing law,
or under existing Executive order issued pursuant to existing law.

CONSTRUCTION OF DIPLOMATIC FACILITIES

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.

(e) For the purposes of calculating the fiscal year 2013 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 consultation 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 Department 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 overseas diplomatic facilities, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Funds appropriated under titles I and II of this Act that are available for the construction or renovation of facilities in Afghanistan and Iraq may not be made available if the purpose is to accommodate staff in addition to those in place or to increase the capacity of aviation assets above those existing, on the date of enactment of this Act: Provided, That none of the funds appropriated by this Act or prior acts making appropriations for the Department of State, foreign operations, and related programs may be made available for construction, rehabilitation, or other improvements to facilities in Iraq on prop-
erty for which no land-use agreement has been entered into by the Governments of the United States and Iraq.  

(f) Not later than 90 days after enactment of this Act, and every 90 days thereafter until September 30, 2014, the Secretary of State shall provide to the Committees on Appropriations an updated staffing plan for each Department of State facility in Afghanistan, a justification for the continuation of each on-going or planned construction project in Afghanistan, including the revised number of staff planned for each facility, and modifications to such construction projects to reflect planned reductions in staff.  

(g) Not later than 90 days after enactment of this Act, and every 90 days thereafter until September 30, 2013, the Secretary of State shall provide to the Committees on Appropriations an updated plan for all Department of State construction projects in Iraq, a justification for the continuation of each such project in light of changes in the scope of United States activities in Iraq and related reductions in staff, updated cost estimates for each project and resulting savings, and the proposed use of such savings.  

(h) Not later than 180 days after enactment of this Act, the Secretary of State shall establish policies, standards, and procedures for the construction and operation
of temporary and permanent diplomatic facilities in environments in which the Department of State does not traditionally operate or to accommodate temporary surges in personnel and programs: Provided, That such guidelines shall consider cost-effectiveness, including a cost comparison of temporary versus permanent construction for the projected period the facility will be required, flexible security requirements, and collocation with other United States Government agencies, as appropriate: Provided further, That the Secretary of State shall consult with the heads of the United States missions in Afghanistan and Iraq, and other Federal agencies, in developing such policies, standards, and procedures.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary 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 except 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 Authorization 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 determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, Pakistan, and other hostile or high-risk areas notwithstanding subsection (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 pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations and other relevant congressional committees.
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'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: 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 partici-
pation 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 subsections (a) and (b) of section 7015 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 2013, 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 appropriations 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
and the Arms Export Control Act may be allocated
or transferred to agencies of the United States Gov-
ernment pursuant to the provisions of sections 109,

(3) Any agreement entered into by USAID or
the Department of State with any department, agen-
cy, or instrumentality of the United States Govern-
ment pursuant to section 632(b) of the Foreign As-
sistance 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 Depart-
ment of State, foreign operations, and related pro-
grams under the headings “Global Health Pro-
grams”, “Development Assistance”, and “Economic
Support Fund” shall be subject to the regular notifi-
cation procedures of the Committees on Appropria-
tions: Provided, That the requirement in the pre-
vious 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 specifi-
cally 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 such audits shall be transmitted to the Committees on Appropriations: Provided further, 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, 2013, 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 Operations”, and “Pakistan Counterinsurgency Capability 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 and 8 of part I, section 661, 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 “Middle East and North Africa Incentive Fund” 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

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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 address balance of payments or economic policy reform objectives, 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 respective periods of availability contained in this Act: Provided further, That the Secretary of State shall provide a report to the Committees on Appropriations at the beginning of each fiscal year, detailing by account and source year, the use of this authority during the previous fiscal year.

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 1 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 determines, 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 governing the terms and conditions under which such assistance 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 2013 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 2014 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Sec-
Secretary of State certifies and reports in writing to the Com-
mittees 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 sub-
section (b) shall be reprogrammed for assistance to coun-
tries 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 arrange-
ment that is providing substantial reimburse-
ment of such taxes; or

(B) the foreign policy interests of the
United States outweigh the purpose of this sec-
tion 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.
(h) REPORT.—The Secretary of State shall submit a report to the Committees on Appropriations not later than 90 days after the enactment of this Act detailing steps taken by the Department of State to comply with the requirements provided in subsections (a) and (f).

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 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 des-
ignated funds that continue to be available for an addi-
tional fiscal year shall be obligated only for the purpose
of such designation.

(e) 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.

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 2013,
or provided from any accounts in the Treasury of the
United States derived by the collection of fees or of cur-
currency refloows or other offsetting collections, or made avail-
able 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, closes, 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: Provided, That unless previously justified to the Committees on Appropriations, the requirements of this subsection shall apply to all obligations of funds appropriated under title I of this Act for paragraphs (5) and (6) of this subsection.

(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 2013, 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 Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Fund”, “Operating Expenses”, “Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, “Pakistan Counterinsurgency 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 any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through VI
and VIII 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 USAID 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 procedures of the Committees on Appropriations.

(e) 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 Appropriations, may be waived if failure to do so would pose a substantial 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 practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, 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, IV, and VIII of this Act shall be obligated or expended for assistance for Afghanistan, Bahrain, Bangladesh, Burma, Cambodia, Colombia, Cuba, Egypt, Ethiopia, Guatemala, Haiti, Honduras, Indonesia, Iran, Iraq, Kazakhstan, Kenya, Libya, Mexico, Nepal, Pakistan, Philippines, the Russian Federation, Serbia, Somalia, Sri Lanka, South Sudan, Sudan, Syria, Uzbekistan, Yemen, or Zimbabwe except as provided through the regular notification 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 or section 7049(a) of this Act, shall remain available for obligation until September 30, 2014.

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 used to pay for the performance of abortions as a method of family planning or to motivate or
coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning.

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 these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

**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 ac-
companying this Act, the Secretary of State, the USAID Administrator and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

LIMITATIONS ON REPRESENTATION AND ENTERTAINMENT EXPENSES

SEC. 7020. (a) Each Federal department, agency, or entity funded in titles I and II of this Act, and the Department of Treasury and independent agencies funded in titles III and VI of this Act, shall take steps to ensure that all expenses for domestic and overseas representation and entertainment are only for meals and events of a protocol nature that are not incident to a conference, meeting, or other business of such department, agency, or entity: Provided, That such meals and events shall not be for employee-only events (such as retirement and holiday parties), and shall be primarily for fostering relations outside of the executive branch: Provided further, That entertainment expenses may not include 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: Provided further, That each such department, agency, and entity shall provide to the Committees on Appropriations not later than 90 days
after enactment of this Act its policy on the use of representation and entertainment funds.

(b) None of the funds appropriated or otherwise 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 Programs”, “Development Assistance”, and “Economic Support 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 EXPORTS.—

(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 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 lethal 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 important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers U.S. national interests.

(b) **Bilaterial Assistance.**—

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

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

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.
AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 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 I through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include 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 within each such account; and for the development assistance accounts of USAID "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as—

(1) justified to the Congress; or
(2) allocated by the executive branch in accordance 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 prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

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 commodity with respect to which assistance is furnished; or
(2) activities in a country 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 agri-
cultural commodity with respect to which assistance is furnished; or

(4) activities in a country recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions, as defined in section 7029(e) of this Act, to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by 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 substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

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 USAID Administrator 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 established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(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 subsection (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 government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account 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.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) Assistance Through Nongovernmental Organizations.—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 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 from funds appropriated under the heading “Middle East and
North Africa Incentive Fund”:

Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2013, 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.

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

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision
of law prohibiting assistance to countries that support international terrorism; or

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

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—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees 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 activity that contributes to the violation of internationally 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 international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation 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 institution 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) 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 maternal and child health, and the prevention, care and treatment of HIV/AIDS, malaria, and tuberculosis in connection with such institution’s financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the IMF 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 IMF’s activities with respect to Heavily Indebted Poor Countries.

(d) Of the funds appropriated by this Act that are available for a United States contribution to the general capital increases of the International Bank for Reconstruction and Development, the African Development Bank, the Asian Development Bank, and the Inter-American Development Bank, 10 percent of each such contribution may not be obligated or expended until the Secretary

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of the Treasury reports to the Committees on Appropriations that such institution is implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

(e) For the purposes of this Act “international financial institutions” shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, 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 USAID 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.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

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

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

(i) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(ii) the recipient agency or ministry has adopted competitive procurement policies and systems;
(iii) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes; and

(iv) no level of acceptable fraud is assumed; and

(B) the Government of the United States and the government of the recipient country have agreed, in writing, on clear and achievable objectives for the use of such assistance.

(2) In addition to the requirements in subsection (a), no funds may be made available for such assistance without prior consultation with, and notification to, the Committees on Appropriations: Provided, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): Provided further, That the requirements of this paragraph shall only apply to direct Government-to-Government assistance with a cumulative value exceeding $50,000,000 and to all funds available for cash payments to individuals.

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

(4) The Secretary of State shall submit to the
Committees on Appropriations, concurrent with the
fiscal year 2014 congressional budget justification
materials, amounts planned for assistance described
in subsection (a) by country, proposed funding
amount, source of funds, and type of assistance.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—Not later than 90 days after enactment
of this Act, the Secretary of State shall develop, for
each government receiving assistance appropriated
by this Act, “minimum standards of fiscal trans-
parency” which shall be updated and strengthened,
as appropriate, to reflect best practices.

(2) DEFINITION.—For purposes of paragraph
(1), “minimum standards of fiscal transparency” are
standards developed in accordance with subsection
(a) and shall include standards for the public disclo-
sure of national budget information, including re-
cceipts and expenditures by ministry, and government
contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) Determination and report.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act and annually thereafter, shall make a determination of “significant progress” or “no significant progress” in meeting minimum standards of fiscal transparency, and make such determinations publicly available in an annual “Fiscal Transparency Report” to be posted on the Department of State’s Web site: Provided, That the Secretary shall identify any steps taken by each such government to publicly disclose national budget information which are additional to those taken in previous fiscal years, include specific recommendations of short- and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) Assistance.—Of the funds appropriated under title III of this Act, not less than $10,000,000 shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to
support civil society organizations in such countries that promote budget transparency. Provided, That such sums shall be in addition to funds otherwise made available for such purposes.

(c) 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 State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information relating to corruption concerning each of the individuals found ineligible pursuant to paragraph (1), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under subsection (3), and the justification for each waiver.

(d) FOREIGN ASSISTANCE WEB SITE.—Funds appropriated by this Act shall be made available to expand information on United States Government foreign assistance posted on the foreignassistance.gov Web site: Provided, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request, to the Department of State: Provided further, That not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations assessing the cooperation of the heads of other Federal agencies in providing the Department of State with foreign assistance information administered by such agencies, in a standardized format: Provided further, That the Secretary of State shall seek such foreign assist-
ance information from prior fiscal years, beginning in fis-
cal year 2011.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) **Loans Eligible for Sale, Reduction,** or Cancellation.—

(1) Authority to sell, reduce, or cancel certain loans.—Notwithstanding any other provi-
sion 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 Assist-
ance 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-develop-
ment 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 development, and child survival and other child development, 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 accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section:

Provided, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(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 sub-
section shall be available only to the extent that ap-
propriations for the cost of the modification, as de-
FINED 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 estab-
lished 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”.

MULTI-YEAR PLEDGES

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

(1) previously justified, including the projected future year costs, in a congressional budget justification;

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

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or

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

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available
for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) Reconstituting Civilian Police Authority.—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 instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(c) 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.

(d) Disarmament, Demobilization and Reintegration.—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”, “Middle East and North Africa Incentive Fund”, “Peace-
keeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” may 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 subsection: 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.

(e) CONTINGENCIES.—During fiscal year 2013, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(f) DEMOCRACY AND HUMAN RIGHTS.—

(1) Funds appropriated by this Act that are made available for democracy and human rights programs 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 “democracy and human rights programs” means programs that support good governance, credible and competitive elections, freedom
of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, and institutions 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, the specific nature of that assistance, and participants in democracy and human rights programs shall not be subject to the prior approval by the government of any foreign country.

(4) Funds appropriated under the heading “Economic Support Fund” shall be made available to the Bureau of Democracy, Human Rights, and Labor (DRL), Department of State, for programs to promote human rights by expanding open and uncensored access to information and communication as identified in the Department of State’s Internet freedom strategy: Provided, That funds made available by this paragraph should be matched by sources other than the United States Government, as appro-
appropriate: Provided further, That the Secretary of State shall coordinate the development and uses of circumvention and secure communications technologies with the USAID Administrator and the Broadcasting Board of Governors, as appropriate.

(5) Funds appropriated by this Act that are made available to promote democracy and human rights shall also be made available to support freedom of religion, especially in the Middle East and North Africa.

(6) Funds made available by this Act for DRL’s Business and Human Rights program in the People’s Republic of China shall be made available on a cost-matching basis from sources other than the United States Government.

(7) In order to avoid duplication of democracy and human rights programs, DRL and the Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly communicate their planned programs to the National Endowment for Democracy.

(8) Of the funds appropriated by this Act, not less than $2,606,000,000 should be made available for democracy programs, as defined in paragraph (2).
(9) Funds appropriated by this Act under the heading “Democracy Fund” that are made available to DRL shall be made available to establish and maintain a database of prisons and gulags in North Korea, including a list of political prisoners, and such database shall be regularly updated and made publicly available on the Internet.

(g) 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 international 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 fur-
ther*, That the Secretary shall include, in a manner the
Secretary deems appropriate, all trafficking cases invol-
v ing 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 dip-
lomat or a family member but for diplomatic immunity.

(h) **MODIFICATION OF AMENDMENT.**—Section 620M
of the Foreign Assistance Act of 1961 (Limitation on As-
sistance to Security Forces) is amended in subsection
(d)(5) by inserting “, equipment, or other types of assist-
ance” after “training”.

(i) **EXTENSION OF AUTHORITIES.**—

(1) Section 1(b)(2) of the Passport Act of June
4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by
substituting “September 30, 2013” for “September
30, 2010”.

(2) The authority provided by section 301(a)(3)
of the Omnibus Diplomatic Security and
shall remain in effect through September 30, 2013.
(3) The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through September 30, 2013.

(4) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting “September 30, 2013” for “October 1, 2010” in paragraph (2).

(5) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting “September 30, 2013” for “October 1, 2010” in paragraph (2).


(7) The authority provided by section 1113 of Public Law 111–32 shall remain in effect through September 30, 2013: 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.
(8) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

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

(i) in subsection (b)(3), by striking “and 2012” and inserting “2012, and 2013”; and

(ii) in subsection (e), by striking “October 1, 2012” each place it appears and inserting “October 1, 2013”; and

(B) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2012” and inserting “2013”.


(10) The fifth proviso under the heading “Econo-mic Support Fund” in title III of division I of Public Law 112–74 is amended by striking “$30,000,000” through “division B” and inserting
in lieu thereof “$60,000,000 of the funds appropriated under this heading in titles III and VIII in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs”.

(11) The authorities provided in section 1015(b) of Public Law 111–212 shall remain in effect through September 30, 2013.

(j) REPORTS AMENDED.—The following provisions of law are amended as follows:

(1) Section 258(b) of the Foreign Assistance Act of 1961 is amended as follows:

(A) by striking paragraph (1) and paragraphs (6) through (11); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by striking “September 1” and inserting “May 1”.

(k) GOVERNMENT EXPENDITURES.—Funds appropriated under title III and under the heading “International Narcotics Control and Law Enforcement” in this Act shall not be made available for assistance for any gov-
ernment for programs or activities in fiscal year 2013 if such government has reduced its own expenditures for such programs or activities as a result of assistance provided in prior fiscal years and for reasons that are inconsistent with the purposes of such assistance.

(l) INTERNATIONAL CHILD ABDUCTIONS.—(1) The Secretary of State shall withhold funds appropriated by this Act for assistance for the government of any country that is not taking appropriate steps to comply with Federal or State court orders concerning child custody and visitation or 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 withholding funds under this paragraph.

(2) The Secretary of State may waive the requirements in paragraph (1) if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States.

(m) LIMITATIONS.—

(1)(A) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority if the Palestinians obtain, after the date of enactment of this Act, the same standing as
member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians.

(B) The Secretary of State may waive the restriction in paragraph (A) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(2)(A) The President may waive the provisions of section 1003 of Public Law 100–204 if the President certifies in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Committees on Appropriations that the Palestinians have not, after the date of enactment of this Act, obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians.

(B) Not less than 90 days after the President is unable to make the certification pursuant to parar-
graph (2)(A), the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: \textit{Provided,} That any waiver of the provisions of section 1003 of Public Law 100–204 under paragraph (2) or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(3) Any waiver pursuant to paragraphs (1) and (2) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after enactment of this Act.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the impact and potential impact of section 414 of Public Law 101–246 and section 410 of Public Law 103–236 on the national interests of the United States: \textit{Provided,} That such report shall also include information on the amount of United States assistance prohibited from obligation and disbursement to
United Nations agencies as a result of such provisions of law.

(n) ENTERPRISE FUNDS.—Funds appropriated by this Act may be made available to finance enterprise funds for Pakistan and countries in the Middle East and North Africa: Provided, That section 201 of the Support for East European Democracy (SEED) Act of 1989, excluding subsections (b), (c), and (f), 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 subsection: 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 10 percent of the funds made available pursuant to this subsection should be available for administrative expenses annually 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 a maximum of nine and a minimum of six members, of whom not less than two-thirds shall be United States citizens, 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 publicly available on a 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 assistance shall cease to be effective on December 31, 2023: Provided further, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(o) Extension of Rewards.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting “serious violations of international humanitarian law,” after “international narcotics trafficking,”; and

(2) by adding at the end the following new paragraph:

“(8) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war
crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.”.

(p) Effectiveness of Humanitarian Assistance.—Funds appropriated under the headings “International Disaster Assistance”, “Complex Crises Fund”, and “Migration and Refugee Assistance” shall be made available for the independent and systematic collection and reporting of information obtained directly from beneficiaries of assistance funded under such headings, regarding the quality and utility of such assistance, for the purpose of maximizing the effectiveness of such assistance: Provided, That not later than September 30, 2013, the USAID Administrator and the Secretary of State, as appropriate, shall submit a summary of such information to the Committees on Appropriations.

(q) International Cooperative Administrative Support Services.—The Secretary of State shall develop a process by which any agency participating in the International Cooperative Administrative Support Services (ICASS) program provide a cost analysis and justification for the agency’s decision to opt out, in whole or in part, of ICASS services: Provided, That such process shall be developed in close coordination with the ICASS Service Center and participating agencies to ensure that the process is not overly burdensome: Provided further, That the
Secretary of State shall conduct a review of the ICASS services provided by the Department of State to identify options for cost savings and program efficiencies, including reevaluating the number of American officials overseas needed to provide the ICASS services and whether the creation of new non-State ICASS providers (including USAID) will improve cost effectiveness at individual posts: Provided further, That the Secretary shall submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act, detailing the steps taken to implement this subsection.

(r) Security Sector Reform.—Funds appropriated by this Act for security sector reform shall be implemented in a manner consistent with the roles and responsibilities and guiding principles of the February 2009 “Security Sector Reform” paper prepared jointly by USAID, the Department of Defense, and the Department of State.

(s) Waiver.—The Secretary of State may waive on a country-by-country basis funding ceilings contained in titles I and II of this Act for operations in Afghanistan, Pakistan, and Iraq in order to address extraordinary, unanticipated contingencies, if the Secretary reports to the Committees on Appropriations that it is important to the national interest of the United States and that failure to
do so would pose a substantial risk to human health and
welfare: Provided, That such waiver shall identify the con-
tingency that is being addressed, and include a justifica-
tion of how such waiver serves the national interest.

(t) PRIZE AUTHORITY.—Funds appropriated by this
Act that are available for prizes in accordance with section
24 of the Stevenson-Wydler Technology Innovation Act of
1980 may be made available for prizes of not more than
$100,000 and may be for foreign citizens and foreign pri-

tive entities notwithstanding section 24(g)(3) of such Act.

(u) SCIENCE AND TECHNOLOGY.—Of the amounts
made available by this Act or any other Act under the
heading “Diplomatic and Consular Programs”, up to
$1,000,000 may be made available for grants pursuant to
section 504 of Public Law 95–426 (22 U.S.C. 2656d), in-
cluding to facilitate collaboration with indigenous commu-
nities.

(v) ENERGY AUDITS AND SAVINGS.—The Depart-
ment of State, USAID, Peace Corps, the Broadcasting
Board of Governors, and other agencies funded by this
Act shall, in fiscal year 2013, conduct updated environ-
mental assessments and water and energy audits of their
overseas post operations, including staff housing, to assess
consistency with Federal energy efficiency standards and
environmental practices, and shall implement the rec-
commendations of such assessments and audits to correct any shortfalls in meeting the targets for Federal building energy efficiency and environmental sustainability mandated by the Energy Independence and Security Act, 2007, and Executive Order 13514.

(w) Office of Global Women’s Issues.—The Secretary of State shall establish an Office of Global Women’s Issues, headed by a Coordinator for Global Women’s Issues who shall be designated by the Secretary of State, who may also be appointed as an Ambassador-at-Large, and who shall, to the extent the Secretary may direct, provide policy direction and oversight over assistance programs for women and girls including all programs and activities funded pursuant to section 7059(d) of this Act, in consultation, as appropriate, with USAID’s Senior Coordinator for Gender Equality and Women’s Empowerment.

(x) Limitation on Funding.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended to advocate or agree to any provision of a United Nations Arms Trade Treaty that would restrict in any way the rights of United States citizens under the second amendment to the Constitution of the United States, or that would otherwise regulate the domestic manufacture, assembly, possession, use, transfer,
or purchase of firearms, ammunition, or related items in
the United States.

(y) HOSTILE ACTS TARGETED AGAINST THE UNITED
STATES.—Not later than 180 days after enactment of this
Act, the Secretary of State, in consultation with the heads
of other Federal agencies, shall submit a report to the
Committees on Appropriations detailing existing authori-
ties and programs for compensation provided to civilian
employees under Chief of Mission authority (including for-
egn service, civil service, and locally employed staff) who
are killed during the performance of their official duties
overseas in a hostile act targeted against the United
States: Provided, That such report should include a de-
scription of the number of such employees killed in such
acts since 1979, and the compensation provided and the
authority used to provide such compensation: Provided
further, That such report shall include a determination of
the extent to which additional compensation to such em-
ployees is warranted commensurate with compensation
provided to other Federal employees, including members
of the Armed Forces, killed during the performance of
their official duties overseas in such acts: Provided further,
That in preparing such report, the Secretary shall consult
with the Committees on Appropriations and representa-
tives of victims of terrorist attacks, and shall consider pre-
previous United States Government programs and authorities
to compensate victims of terrorist attacks.

ARAB LEAGUE BOYCOTT OF ISRAEL

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

(1) the Arab League boycott of Israel, and the
secondary boycott of American firms that have com-
mercial 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 regret-
tably 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 re-
lations 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 an-
nually on specific steps being taken by the United
States to encourage Arab League states to normalize
their relations with Israel to bring about the termination 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 penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (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; and

(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 ef-
forts 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 se-
cure and recognized boundaries free from
threats or acts of force;

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

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

(b) Sense of Congress.—It is the sense of Con-
gress 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.

(c) 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 7040 of this Act (“Limitation on Assistance for the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

Sec. 7037. 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 meet-
ings 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. 7038. 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. 7039. (a) OVERSIGHT.—For fiscal year 2013, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comp-
troller 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 Pro-
gram funded under the heading “Economic Support
Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds ap-
propriated by this Act under the heading “Economic Sup-
port 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 edu-
cational 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.
(c) 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 available for the purpose of recognizing or otherwise honoring 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 appropriations Acts, including funds made available by transfer, may be made available for obligation for security 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 USAID Administrator shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, 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 USAID 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 treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2013 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 (e); and

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

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures 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 contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions 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 President 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 pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing 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: Provided, That the report shall also detail the steps the Palestinian 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 Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive 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 that results from an agreement with Hamas and over which Hamas exercises undue influence.
(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports 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 of 1961, as added by the Palestine 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 AND NORTH AFRICA

SEC. 7041. (a) BAHRAIN.—

(1) Of the funds appropriated by this Act under the heading “Middle East and North Africa Incentive Fund”, not less than $5,000,000 shall be made available for programs and activities to promote reconciliation in Bahrain: Provided, That notwithstanding section 660 of the Foreign Assistance Act of 1961, a portion of such funds may also be used for programs to strengthen oversight and professionalism of the police forces of Bahrain.

(2) None of the funds appropriated by this Act may be made available for tear gas, armored vehicles, small arms, light weapons, ammunition, or other items for crowd control purposes, for the police or military forces of Bahrain, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Bahrain—
(A) has released persons convicted or charged with offenses involving peaceful expression, as well as those convicted on the basis of evidence that the defendant could not challenge or that was obtained as a result of torture;

(B) is protecting freedom of expression, association, and assembly; the right of political opposition parties, civil society organizations, and journalists to operate without harassment or interference; and due process of law; and

(C) is investigating and prosecuting Bahraini officials credibly alleged to have been involved in violations of human rights, including torture.

(b) EGYPT.—

(1) None of the funds appropriated under titles III and IV of this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the 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.
(2) The President shall submit to the Committees on Appropriations, concurrent with the fiscal year 2014 budget request, a comprehensive review of United States assistance for Egypt, including the strategic purposes and mechanisms for disbursing such assistance, and specific programs to be conducted in furtherance of security sector and other reforms.

(3) Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Egypt shall be made available for border security programs in the Sinai, and for purposes related to peacekeeping and disaster response: Provided, That a portion of such funds estimated to be outlayed during fiscal year 2013 may, following consultation with the Committees on Appropriations, be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York: Provided further, That funds appropriated by this Act under the heading “Economic Support Fund” shall be made available to promote security sector reform in Egypt, in accordance with section 7034(r) of this Act.

(4) Prior to the initial obligation of funds appropriated by this Act for assistance for Egypt
under the heading “Foreign Military Financing Program”, the Secretary of State shall certify to the Committees on Appropriations that the Government of Egypt is a democratically elected civilian government that is implementing policies to—

(A) provide civilian control over, and public disclosure of, the military and police budgets;

(B) fully repeal the Emergency Law; and

(C) protect judicial independence; freedom of expression, association, assembly, and religion; the right of political opposition parties, civil society organizations, and journalists to operate without harassment or interference; and due process of law.

(5) The Secretary of State, after consultation with the Committees on Appropriations, may waive the requirements of paragraphs (1) and (4) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States: Provided, That such determination and report shall include a detailed justification for such waiver.

(6) The authorities, purposes, and requirements in section 7041(a)(3) of division I of Public Law 112–74 shall continue in effect during fiscal year

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2013: *Provided*, That funds appropriated by this Act under the headings “Economic Support Fund” and “Middle East and North Africa Incentive Fund” may be made available for such initiative.

(7) Funds appropriated by this Act under the heading “Economic Support Fund” and made available for assistance for the Government of Egypt shall be reduced by an amount equal to the amount that the Secretary of State determines and reports to the Committees on Appropriations was posted as bail in February 2012 for members of United States nongovernmental organizations.

(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 efforts to halt Iran’s uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104–172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran’s energy sector and all exports of refined petroleum products to Iran.
(2) None of the funds appropriated or otherwise made available in this Act under the heading “Export-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 reinsurance) to any person or entity that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111–117 shall continue in effect during fiscal year 2013 as if part of this Act: Provided, That the date in subsection (c)(1) shall be deemed to be “September 30, 2013”.

(d) IRAQ.—

(1) Of the funds appropriated under titles III, IV, and VIII of this Act, not more than $582,347,000 may be made available for assistance for Iraq, including not more than $100,000,000 from funds appropriated under the heading “Economic Support Fund” and not more than $450,000,000 from funds appropriated under the heading “Foreign Military Financing Program”.
(2) Funds appropriated by this Act for assistance for the Government of Iraq should be made available only if the Secretary of State certifies to the Committees on Appropriations that such government is supporting free and fair elections and implementing policies to—

(A) publicly disclose the national budget, including for the military and police; and

(B) protect judicial independence; freedom of expression, association, assembly, and religion; the right of political opposition parties, civil society organizations, women activists, and journalists to operate without harassment or interference; and due process of law.

(3) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in accordance with the cost-matching and other requirements in 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”: Provided, That the Secretaries of State and the Treasury shall work with Iraq’s Ministry of Finance to complete the review required by
the International Monetary Fund of Iraq’s outstanding advances.

(4) Funds appropriated by this Act under titles III and VI for assistance for Iraq may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(e) LEBANON.—

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

(2) Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF 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 for assistance for the LAF
until the Secretary of State submits a detailed spend
plan to the Committees on Appropriations, except
such plan may not be considered as meeting the not-
tification requirements under section 7015 of this
Act or under section 634A of the Foreign Assistance
Act of 1961, and shall be submitted not later than
September 1, 2013: Provided further, That not later
than 90 days after enactment of this Act, the Sec-
retary of State shall consult with the Committees on
Appropriations on the activities of the LAF, assist-
ance provided to the LAF by the United States, and
actions taken to ensure that such assistance is used
for intended purposes.

(3) Funds appropriated by this Act under titles
III and VI for assistance for Lebanon may be made
available notwithstanding any other provision of law,
except for this subsection and section 620M of the
Foreign Assistance Act of 1961, as amended by this
Act.

(f) LIBYA.—Funds appropriated by this Act for ac-
tivities to promote democracy, transparent and account-
able governance, human rights, transitional justice, and
the rule of law in Libya shall be made available, to the
maximum extent practicable, on a cost matching basis:
Provided, That none of the funds appropriated by this Act
may be made available for assistance for Libya for infrastructure projects, except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Prior to the obligation of funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Morocco, the Secretary of State shall submit a report to the Committees on Appropriations on steps taken during the previous 12 months by the Government of Morocco to—

1. protect freedom of expression, association, and assembly regarding the status and future of the Western Sahara, and due process of law;
2. release prisoners of conscience;
3. support a human rights monitoring and reporting role for the United Nations Mission in Western Sahara in cooperation with the Office of the United Nations High Commissioner for Human Rights; and
4. provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—

1. Funds appropriated by this Act shall be made available for activities to support civil society...
organizations that support democratic principles in
Syria, including communications equipment and
technical training: Provided, That such activities
shall be considered democracy and human rights
programs in accordance with section 7034(f) of this
Act: Provided further, That not later than 90 days
after enactment of this Act and every 90 days there-
after until September 30, 2013, the Secretary of
State shall submit a report to the Committees on
Appropriations describing the activities conducted in
support of such organizations, and the equipment
and technical training provided: Provided further,
That such technical training shall include instruction
on democratic governance and respect for human
rights.

(2) Funds appropriated by this Act shall be
made available for humanitarian relief for civilian
victims of political violence in Syria.

(i) TUNISIA.—Of the funds appropriated under titles
III and IV of this Act, not less than $39,100,000 shall
be made available for assistance for Tunisia.

(j) YEMEN.—Of the funds appropriated under titles
III and IV of this Act, not less than $77,000,000 may
be made available for assistance for Yemen: Provided,
That not later than 60 days after enactment of this Act
and prior to the initial obligation of such funds, the Secretary of State, in consultation with the heads of relevant Federal agencies and the Government of Yemen, shall submit a counterinsurgency strategy to the Committees on Appropriations: Provided further, That none of the funds appropriated by this Act may be made available for the Armed Forces of Yemen if such forces are controlled by a foreign terrorist organization, designated pursuant to section 219 of the Immigration and Nationality Act.

SERBIA

Sec. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2013, if the Secretary of State has made the determination required in subsection (c).

(b) After May 31, 2013, the Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the requirement in subsection (c).

(c) The determination referred to in subsection (a) is a determination made by the Secretary of State and reported in writing to the Committees on Appropriations that the Government of Serbia is cooperating with the
International Criminal Tribunal for the former Yugoslavia.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

AFRICA

(INCLUDING TRANSFER OF FUNDS)

SEC. 7043. (a) CENTRAL AFRICA.—Of the funds appropriated under the heading “Economic Support Fund”, up to $10,000,000 shall be made available for programs and activities in areas affected by the Lord’s Resistance Army (LRA) consistent with the goals of the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act (Public Law 111–172), including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

(b) CONFLICT MINERALS.—

(1) Funds appropriated by this Act should be made available for programs in the Democratic Republic of the Congo to implement the Organization for Economic Cooperation and Development’s due diligence guidance for mining in conflict areas.

(2) Funds appropriated by this Act under the heading “Foreign Military Financing Program” may
be made available for assistance for Rwanda or
Uganda unless the Secretary of State has credible
information that the Government of Rwanda or the
Government of Uganda is providing political, mili-
tary 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.

(3) The restriction in paragraph (2) 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 humanitarian relief
efforts, or to support the training and deployment of
members of the Rwandan or Ugandan militaries in
ternational peacekeeping operations or to conduct
operations against the Lord’s Resistance Army.

(c) COUNTERTERRORISM PROGRAMS.—

(1) Of the funds appropriated by this Act, not
less than $55,000,000 should be made available for
the Trans-Sahara Counter-terrorism Partnership
program, and not less than $25,000,000 should be
made available for the Partnership for Regional
East Africa Counterterrorism program.

(2) Of the funds appropriated by this Act under
the heading “Economic Support Fund”,

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$10,000,000 shall be made available for programs to counter extremism in East Africa, in addition to such sums that may otherwise be made available for such purposes.

(d) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to $25,000,000 of the funds appropriated by this Act under the heading “Global Health Programs” for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings “Economic Support Fund” and “Transition Initiatives” to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on anti-retroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: Provided, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(e) 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 assistance for Angola, Cameroon, Central African Republic, Chad, Côte d’Ivoire, Guinea and Zimbabwe
may be made available only for training related to international peacekeeping operations and expanded IMET: Provided, That the limitation included in this paragraph shall not apply to courses that support training in maritime security for Angola and Cameroon.

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

(f) ETHIOPIA.—

(1) Funds appropriated by this Act that are available for assistance for Ethiopian military and police forces shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to—

(i) publicly disclose the military and police budgets;

(ii) protect judicial independence; freedom of expression, association, assembly, and religion; the right of political opposition parties, civil society organizations, and journalists to operate without harassment
or interference; and due process of law; and

(iii) permit access to human rights and humanitarian organizations to the Somali region of Ethiopia; and

(B) submits a report to the Committees on Appropriations on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military and police including steps that will be taken to ensure that such assistance is not provided to military or police 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 and police 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, border security, and for assistance to the Ethiopian Defense Command and Staff College.

(g) PIRACY.—Not later than 180 days after enactment of this Act, and following consultation with other relevant Federal agencies, the Secretary of State shall
submit to the Committees on Appropriations a diplomacy and development counter-piracy strategy for the Horn of Africa region, including an assessment of the potential effectiveness of economic and security assistance for vulnerable Somali and Kenyan communities in providing gainful alternatives to piracy and encouraging collective action within such communities against groups and individuals involved in piracy.

(h) SOUTH AFRICA.—Not later than 180 days after enactment of this Act, and following consultation with the Government of South Africa, the Secretary of State shall submit a transition strategy to the Committees on Appropriations for the President’s Emergency Program for AIDS Relief in South Africa, including projected trajectories for levels and types of United States assistance.

(i) SUDAN.—

(1) 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.

(2) Notwithstanding the restriction in paragraph (1), up to $250,000,000 of the funds appropriated under the heading “Economic Support Fund” in this Act may be transferred to, and merged with, funds available under the heading “De-
partment of Treasury, Debt Restructuring” in title
III of prior acts making appropriations for the De-
partment of State, foreign operations, and related
programs 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 de-
terminate, for the cost of selling, reducing, or can-
celing amounts owed to the United States as a result
of concessional loans made to Sudan: Provided, That
such funds may be made available only if the Sec-
retary of State determines and reports to the Com-
mittees on Appropriations that Sudan is imple-
menting the agreement reached by the Governments
of Sudan and South Sudan under the Comprehen-
sive Peace Agreement, including a political resolu-
tion of the conflict in Southern Kordofan and Blue
Nile, and other legislative requirements related to
Heavily Indebted Poor Countries debt relief, includ-
ing determinations on human rights and state spon-
sorship of terrorism.

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

(A) humanitarian assistance;

(B) assistance for the Darfur region,

Southern Kordofan, Blue Nile, other
marginalized areas and populations in Sudan, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement (CPA), mutual arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and South Sudan, or any other internationally recognized viable peace agreement in Sudan.

(j) SOUTH SUDAN.—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan, including to increase agricultural productivity, prevent and respond to gender-based violence, promote women’s leadership, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government processes, revenues, and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available 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 and association, 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 provide 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 improve
resource management and ensure transparency and accountability of funds.

(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 responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act may be made available for assistance for the central government of a country 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 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 paragraph shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to 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 Secretary of State determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the Secretary 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 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).

EAST ASIA AND THE PACIFIC

SEC. 7044. (a) ASSISTANCE.—

(1) Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the heads of other relevant Federal agencies, shall submit to the Committees on Appropriations a multi-year strategy for the advancement of United States interests in the East Asia and Pacific region, to include a description of the process for coordinating assistance and policy between the Department of State and such other agencies.

(2) Funds appropriated by this Act under the heading “Economic Support Fund” may be made available, following consultation with the Committees
on Appropriations, for East Asia and Pacific re-

gional programs that include countries or govern-
ments otherwise ineligible for United States assist-
ance, notwithstanding any other provision of law.

(b) BURMA.—Funds appropriated by this Act under
the heading “Economic Support Fund” may be made
available for Burma notwithstanding any other provision
of law, except that no funds shall be made available to
any successor or affiliated organization of the State Peace
and Development Council (SPDC) controlled by former
SPDC members that promote the repressive policies of the
SPDC: Provided, That such funds shall be made available
for programs along Burma’s border and for Burmese
groups and organizations located outside of Burma, and
may be available to support programs in Burma: Provided

further, That in addition to assistance for Burmese refu-
gees from funds appropriated by this Act under the head-
ing “Migration and Refugee Assistance”, funds shall be
made available for community-based organizations oper-
ating in Thailand to provide food, medical, and other hu-
manitarian assistance to internally displaced persons in
eastern Burma: Provided further, That funds appropriated
by this Act for assistance for Burma shall be provided,
to the maximum extent practicable, through credible, in-
digenous nongovernmental organizations, and shall be
used to build the capacity of such organizations: *Provided further*, That funds appropriated by this Act for assistance for Burma should be matched, to the maximum extent practicable, by the Government of Burma and/or other international donors: *Provided further*, That any new program or activity in Burma funded 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.

(e) CAMBODIA.—

(1) None of the funds appropriated by this Act may be available for a United States contribution to a Khmer Rouge Tribunal—

(A) if the Secretary of State certifies to the Committees on Appropriations that the Prime Minister of Cambodia is directly or indirectly interfering with the operations and deliberations of such Tribunal; and

(B) unless the United Nations and the Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within such Tribunal.

(2) Funds appropriated by this Act under the headings “International Military Education and
Training” and “Foreign Military Financing Program” that are made available for assistance for Cambodia shall be made available to promote human rights within the Royal Cambodian Armed Forces: Provided, That not less than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing specific programs conducted to promote human rights.

(d) INDONESIA.—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.

(e) NORTH KOREA.—

(1) Of the funds made available under the heading “International Broadcasting Operations” in title I of this Act, not less than $8,960,000 shall be made available for broadcasts into North Korea.

(2) Funds appropriated by this Act under the heading “Migration and Refugee Assistance” shall
North Korea, including for protection activities in the People’s Republic of China.

(f) 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 unless, 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, of the funds appropriated under the heading “Eco-
nomic Support Fund”, not less than $15,000,000 shall be made available to United States institutions of higher education and nongovernmental organiza-
tions for programs and activities in the People’s Re-
public of China relating to democracy, governance, rule of law, labor rights, and the environment.

(4) Funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Con-
trol and Law Enforcement” shall be made available for assistance for economic and trade development, transparency, good governance, and human rights in the Africa, Asia, and South America regions in countries in which the People’s Republic of China provides substantial assistance to the central govern-
ment of such country, subject to the regular notifica-
tion procedures of the Committees on Appropria-
tions: Provided, That funds made available pursuant to this paragraph may be transferred to, and merged with, funds made available under the heading “Mil-
lennium Challenge Corporation”, and shall be matched, to the maximum extent practicable, from
sources other than the Government of the United States.

(g) 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.

(h) 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 Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, funds appropriated by this Act under the heading “Economic Support Fund” shall be made available
to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(i) VIETNAM.—Of the funds appropriated under the heading “Economic Support Fund”, not less than $20,000,000 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 of the funds appropriated under the heading “Global Health Programs” shall be made available for health/disability activities in areas sprayed or otherwise contaminated with dioxin.

WESTERN HEMISPHERE

SEC. 7045. (a) COLOMBIA.—

(1) Funds appropriated by this Act and made available to the Department of State for assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking, organizations designated as Foreign Terrorist Organizations, and other criminal or illegal armed groups; for disarmament, demobilization, and
reintegration of former combatants; and to take ac-
tions to protect human health and welfare in emer-
geney 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 rotary and fixed wing aircraft sup-
ported with funds appropriated under the heading
“International Narcotics Control and Law Enforce-
ment” for assistance for Colombia may be used for
aerial or manual drug eradication and interdiction
including to transport personnel and supplies and to
provide security for such operations: Provided fur-
ther, That such aircraft may also be used to provide
transport in support of alternative development pro-
grams and investigations by civilian judicial authori-
ties: Provided further, That funds appropriated by
this Act for the Colombian national police may not
be used for the aerial spraying of toxic chemicals un-
less the Secretary of State, after consultation with
the Administrator of the Environmental Protection
Agency and the Secretary of the Department of
Health and Human Services, certifies to the Com-
mittees on Appropriations that the chemicals, in the
manner they are being sprayed, do not pose unreas-
sonable risks or adverse effects to humans, including
pregnant women and children, or the environment,
including endemic species: Provided further, That
any complaints of harm to health or licit crops
directed by such aerial spraying shall be thoroughly
investigated and evaluated, and fair compensation
paid in a timely manner for meritorious claims: Pro-
vided further, That the Secretary of State shall sub-
mit 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 none of the funds appro-
priated by this Act or prior Acts making appropria-
tions for the Department of State, foreign oper-
ations, and related programs may be made available
for assistance for successor organizations to the Co-
lombian Departamento Administrativo de Seguridad:
Provided further, That none of the funds appro-
priated by this Act shall be made available for the
cultivation or processing of African oil palm.
(2) COLOMBIAN ARMED FORCES.—Of the funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, 25 percent may be obligated only if the Secretary of State consults with, and subsequently certifies and submits a report to, the Committees on Appropriations that the Government of Colombia and Colombian Armed Forces are meeting the conditions that appear under this section in the report accompanying this Act: Provided, That the requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading “International Narcotics Control and Law Enforcement” in this Act for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State: Provided further, That not less than 30 days prior to making the certification the Secretary of State shall consult with Colombian and international human rights organizations.

(3) ILLEGAL ARMED GROUPS.—

(A) DENIAL OF VISAS.—Subject to subparagraph (B), the Secretary of State shall not
issue a visa to any alien about whom the Secretary has credible information—

(i) has willfully provided any support to or benefitted from the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or other illegal armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

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

(B) WAIVER.—Subparagraph (A) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

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

(e) HAITI.—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.

(d) HONDURAS.—(1) Of the funds appropriated by this Act that are available for assistance for Honduran military and police forces, 25 percent may be obligated only if the Secretary of State reports in writing to the Committees on Appropriations that the Government of Honduras and Honduran military and police forces are meeting the conditions that appear under this section in the report accompanying this Act.

(2) The restriction in paragraph (1) shall not apply to assistance to promote transparency, anti-corruption, and the rule of law within the military and police forces.

(e) MEXICO.—(1) Of the funds appropriated by this Act that are available for assistance for Mexican military and police forces, 15 percent may be obligated only if the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico and
Mexican military and police forces are meeting the conditions that appear under this section in the report accompanying this Act.

(2) The restriction in paragraph (1) shall not apply to assistance to promote transparency, anti-corruption, and the rule of law within the military and police forces.

(f) Trade Capacity.—Of the funds appropriated by this Act, not less than $12,000,000 under the heading “Development Assistance” and not less than $12,000,000 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, the Dominican Republic, Colombia, and Mexico.

(g) Aircraft Operations and Maintenance.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

SOUTH AND CENTRAL ASIA

Sec. 7046. (a) Afghanistan.—

(1) Limitation.—Of the funds appropriated under titles III, IV, and VIII of this Act, not more than $1,580,750,000 may be made available for assistance for Afghanistan, including not more than $1,075,000,000 from funds appropriated under the
heading “Economic Support Fund” and not more than $450,000,000 from funds appropriated under
the heading “International Narcotics Control and Law Enforcement”.

(2) CERTIFICATION.—None of the funds appropri-
ated or otherwise made available by this Act under the headings “Economic Support Fund” and
“International Narcotics Control and Law Enforce-
ment” may be obligated for assistance for the Gov-
ernment of Afghanistan until the Secretary of State,
in consultation with the USAID Administrator, cer-
tifies to the Committees on Appropriations that—

(A) Funds will be used for programs and
activities that can be sustained by the Govern-
ment of Afghanistan.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving
governance, including by investigating,
prosecuting, sanctioning, or removing cor-
rupt 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 re-
sources;
(ii) implementing policies to protect

due process of law;

(iii) taking credible and consistent

steps to protect the human rights of Af-
ghan women;

(iv) taking significant steps to facili-
tate active public participation in govern-
ance and oversight; and

(v) publishing mining contracts and

associated project documents.

(C) Funds will be used to support and

strengthen the capacity of Afghan public and

private institutions and entities to reduce cor-

ruption and to improve transparency and ac-
countability of national, provincial, and local
governments, and such governments are actively
supporting such efforts.

(D) Representatives of Afghan national,

provincial, or local governments, and local com-

munities and civil society organizations, includ-
ing women’s organizations, will be consulted

and participate in the design of programs,

projects, and activities, including participation

in implementation and oversight, and the devel-
opment of specific benchmarks to measure progress and outcomes.

(3) Assistance.—

(A) 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.

(B) 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 in a manner that emphasizes the equitable participation of Afghan women, prevents and responds to gender-based violence, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women, girls, and boys and complies with section
7059 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and women-led organizations; and

(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 protects the rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in

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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.

(C) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2013 and shall apply as if part of this Act.

(D)(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 (the Coordinator), in consultation with the Interagency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan.

(ii) The Coordinator shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(E) Funds appropriated by this Act or any other Act that are available for the construction of any water, energy, transportation, or other
infrastructure assistance project in Afghanistan that is estimated to cost more than $15,000,000 and requires the concurrence of, or is developed jointly with, the Secretary of State or the USAID Administrator, should not receive such concurrence unless the Secretary or the Administrator, as appropriate, first reports in writing to the Committees on Appropriations—

(i) that the project is based on best development practices including lessons learned from recent audits of similar projects;

(ii) that the Government of Afghanistan has a credible plan to sustain the project; and

(iii) the contingency plan to mitigate the risk of sustainment failure.

(F) None of the funds made available by this Act shall be used to support or continue any program or activity initially funded under the authority of the Task Force for Business and Stability Operations, unless the Secretary of State, in consultation with the USAID Administrator and the Secretary of Defense, has
provided a detailed justification for such pro-
gram or activity to the Committees on Approp-
riations, including—

(i) an explanation of why the Depart-
ment of Defense is no longer funding such
program or activity;

(ii) steps by the Government of Af-
ghanistan to include funding for such pro-
gram or activity in its national budget;

(iii) benchmarks to measure the im-
pact of such program or activity; and

(iv) a description of management con-
trols in place to ensure funds are used for
intended purposes.

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

(H) Any significant modification to the
scope, objectives, or implementation mecha-
nisms of United States assistance programs in
Afghanistan shall be subject to prior consulta-
tion with, and the regular notification proce-
dures of, the Committees on Appropriations, ex-
cept that the prior consultation requirement
may be waived in a manner consistent with sec-
tion 7015(e) of this Act.

(I) Funds appropriated under titles III
through VI of this Act that are made available
for assistance for Afghanistan may be made
available notwithstanding section 7012 of this
Act or any similar provision of law and section

(J) Funds appropriated under titles III
and IV of this Act for assistance for Afghani-
stan shall be matched, to the maximum extent
practicable, from sources other than the Gov-
ernment of the United States.

(4) REPORTS.—

(A) The spend plan required by section
7076 of this Act for assistance for Afghanistan
shall include achievable and sustainable goals,
benchmarks for measuring progress, and ex-
pected results regarding furthering development
in Afghanistan and establishing conditions con-
ducive to the rule of law and transparent and
accountable governance: Provided, That not
later than 6 months after submission of such
spend plan, and each 6 months thereafter until
September 30, 2014, the Secretary of State shall submit a report to the Committees on Appropriations on the status of achieving the goals and benchmarks in such plan.

(B) The Secretary of State should suspend assistance for the Government of Afghanistan if any report required by paragraph (A) indicates that Afghanistan is failing to make measurable progress in meeting such goals or benchmarks.

(5) OVERSIGHT.—The Special Inspector General for Afghanistan Reconstruction and the Inspectors General of the Department of State and 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) NEPAL.—

(1) Funds appropriated by this Act under the heading “Foreign Military Financing Program” 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 of violations of human rights by civilian judicial authorities; 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 ministry 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 stability.

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

(c) PAKISTAN.—

(1) Certification.—

(A) None of the funds appropriated or otherwise made available by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Foreign Military Financing Program”, and “Pakistan Counterinsurgency Capability Fund” for assistance for the Government of
Pakistan may be made available unless the Secretary of State certifies to the Committees on Appropriations that the Government of Pakistan is—

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

(ii) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan’s military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(iii) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;
(iv) preventing the proliferation of nuclear-related material and expertise;

(v) implementing policies to protect judicial independence and due process of law;

(vi) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

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

(B) The Secretary of State may waive the requirements of subparagraph (A) if it is important to the national security interests of the United States.

(2) ASSISTANCE.—

(A) Of the funds appropriated under titles III, IV, and VIII of this Act, not more than $800,346,000 may be made available for assistance for Pakistan, including not more than $375,000,000 from funds appropriated under the heading “Economic Support Fund”, not more than $100,000,000 from funds appro-
appropriated under the heading “International Narcotics Control and Law Enforcement”, not more than $250,000,000 from funds appropriated under the heading “Foreign Military Financing Program”, and not more than $50,000,000 from funds appropriated under the heading “Pakistan Counterinsurgency Capability Fund”.

(B) Funds appropriated by this Act under the headings “Foreign Military Financing Program” and “Pakistan Counterinsurgency Capability Fund” for assistance for Pakistan may be made available only to support counterterrorism, counterinsurgency, and counterpiracy capabilities in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(C) Funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Pakistan should be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices, including calcium ammonium nitrate; to support programs to train border and customs officials
in Pakistan and Afghanistan; and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.

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

(E) Funds appropriated by this Act under the heading “Economic Support Fund” 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)).

(F) Funds appropriated by this Act under titles III and IV for assistance for Pakistan may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(G) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” and made available for assistance for Pakistan, $33,000,000 shall be withheld from
obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charged relating to the assistance provided to the United States in locating Osama bin Laden.

(3) REPORTS.—

(A)(i) The spend plan required by section 7076 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering development in Pakistan, countering extremism, and establishing conditions conducive to the rule of law and transparent and accountable governance: Provided, That such benchmarks may incorporate those required in title III of Public Law 111–73, as appropriate: Provided further, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2014, the Secretary of State shall submit a report to the Committees on Appropriations on the status of achieving the goals and benchmarks in such plan.
(ii) The Secretary of State should suspend assistance for the Government of Pakistan if any report required by paragraph (A)(i) indicates that Pakistan is failing to make measurable progress in meeting such goals or benchmarks.

(B) 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 costs and objectives associated with significant infrastructure projects supported by the United States in Pakistan, and an assessment of the extent to which such projects achieve such objectives.

(d) SRI LANKA.—

(1) None of the funds appropriated by this Act under the heading “Foreign Military Financing Program” or under the Arms Export Control Act 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
meeting the conditions that appear under this section in the report accompanying this Act.

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

(3) If the Secretary makes the certification required in paragraph (1), 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 conditions that appear under this section in the report accompanying this Act.

(e) Regional Cross Border Programs.—Of the funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for
Afghanistan and Pakistan, not less than $15,000,000 shall be made available, notwithstanding any other 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.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

Sec. 7047. 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, arrearages, 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 multinational or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

Sec. 7048. 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.

UNITED NATIONS

SEC. 7049. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) Of the funds appropriated under title I and under the heading “International Organizations and Programs” in title V of this Act that are available for contributions to any United Nations agency or to the Organization of American States, 10 percent shall be withheld from obligation for such agency or organization if the agency or organization is not—

(A) publishing on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of the agency or organization, and pro-
viding the United States Government with necessary access to such financial and performance audits; and

(B) implementing best practices for the protection of whistleblowers from retaliation, including for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

(2) The Secretary of State may waive the restriction in this subsection on a case-by-case basis if the Secretary determines and reports that to do so is in the national interest of the United States.

(b) Restrictions on United Nations Organizations.—None of the funds made available under title I of this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided sup-
port for acts of international terrorism: Provided, That the Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States.

(c) United Nations Human Rights Council.—Funds appropriated by this Act may be made available for voluntary contributions or payment of United States assessments in support of the United Nations Human Rights Council if the Secretary of State reports to the Committees on Appropriations that participation in the Council is in the national interest of the United States: Provided, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2013, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months.

(d) Capital Master Plan.—None of the funds appropriated by this Act may be made available as a United States contribution for additional costs for the Capital Master Plan construction project for the United Nations Headquarters in New York.

(e) Reporting Requirement.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriation
detailing the amount of funds available for obligation or expenditure in fiscal year 2013 under the headings “Contributions to International Organizations” and “International Organizations and Programs” that are withheld from obligation or expenditure due to any provision of law: Provided, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: Provided further, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

COMMUNITY-BASED POLICE ASSISTANCE

Sec. 7050. (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
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.

CONFERENCES

SEC. 7051. (a) Attendance at International Conferences.—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 Government of the United States 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 at least 5 days in advance that the additional employees will not perform a redundant function and 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 Government of the United States and of foreign governments, international organizations, or nongovernmental organizations.

(b) Reports on Conference Costs.—

(1) The head of any department, agency, board, or commission funded by this Act shall submit semi-
annual reports to the Inspector General, or senior ethics official for any entity without an inspector general, of the appropriate department, agency, board, or commission regarding the costs and contracting procedures relating to each conference held by such department, agency, board, or commission during fiscal year 2013 for which the cost to the United States Government was more than $20,000, and shall post such reports on their respective Web sites.

(2) Each report submitted shall include, for each conference held during the applicable 6 month period—

(A) a description of the purpose;

(B) the number of participants attending;

(C) a detailed statement of the cost to the United States Government; and

(D) a description of the contracting procedures.

(3) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the cost of a conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded.
(4) None of the funds made available by this Act may be used for travel and conference activities that are not in compliance with the Office of Management and Budget M–12–12 dated May 11, 2012.

**AIRCRAFT TRANSFER AND COORDINATION**

SEC. 7052. (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 the Secretary of State determines and reports 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 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 coordinated 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 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: *Provided further*, That in fiscal year 2013 and thereafter, funds received by the Department of State for the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Department’s Working Capital Fund and shall be available
for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

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

FOREIGN GOVERNMENTS

SEC. 7053. 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, 2012”.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to USAID 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. 7055. 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. 7056. 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.
UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT MANAGEMENT
(INCLUDING TRANSFER OF FUNDS)

SEC. 7057. (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 may be used by USAID to hire and employ indi-
viduals in the United States and overseas on a limited ap-
pointment basis pursuant to the authority of sections 308

(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,
2014.

(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 non-direct hire employees of USAID, who
are compensated with funds appropriated to carry out part
I of the Foreign Assistance Act of 1961 are eliminated.

(d) 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 sec-
tion may be transferred to, and merged with, funds appro-
priated by this Act in title II under the heading “Oper-
ating Expenses”.

(e) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
viduals 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 re-
lated 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.

(f) DISASTER SURGE CAPACITY.—Funds appro-
priated under title III of this Act to carry out part I of
the Foreign Assistance Act of 1961 may be used, in addi-
tion to funds otherwise available for such purposes, for
the cost (including the support costs) of individuals de-
tailed to or employed by USAID whose primary responsi-
bility is to carry out programs in response to natural or
man-made disasters subject to the regular notification
procedures of the Committees on Appropriations.

(g) 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 Assistance 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 contractors in the United States, notwithstanding any other provision 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 15 of such contractors shall be assigned to any bureau or office: 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.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, 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.

(i) 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, Af-
ghanistan, 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. 7058. (a) IN GENERAL.—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 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) GLOBAL FUND.—Not later than September 30, 2013, the Secretary of State shall submit a report to the Committees on Appropriations assessing progress by the Global Fund to Fight AIDS, Tuberculosis, and Malaria (Global Fund) in implementing the recommendations contained in the Final Report of the High-Level Independent
Review Panel on Fiduciary Controls and Oversight Mechanisms of the Global Fund (the Final Report): Provided, That the Secretary of State should consider withholding a portion of the United States contribution to the Global Fund, if necessary, to further the implementation of such recommendations, subject to prior consultation with the Committees on Appropriations, but any such withholding shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2013 pursuant to the application of any other provision contained in this or any other Act.

(c) PANDEMIC RESPONSE.—If the President determines and reports to the Committees on Appropriations that a pandemic virus is efficient and sustained, severe, and is spreading internationally, funds made available under titles III, IV, and VIII in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat such virus: Provided, That funds made available pursuant to the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(d) CHALLENGE GRANTS.—Funds appropriated by this Act under the heading “Global Health Programs” that are administered by the Office of the United States
Global HIV/AIDS Coordinator and made available for programs to combat HIV/AIDS, shall be made available as challenge grants in countries receiving assistance from the Global Fund to Fight AIDS, Tuberculosis and Malaria (the Global Fund): Provided, That the purpose of such challenge grants shall be to leverage funding from host country governments, multilateral organizations, including the World Bank, and/or other donor governments for activities supported by the Global Fund: Provided further, That not later than 180 days after implementation of a challenge grants program, the Secretary of State shall submit a report to the Committees on Appropriations assessing the ability of such program to increase funding for activities supported by the Global Fund from sources other than the United States Government and recommendations for improving such program.

GENDER PROGRAMS

SEC. 7059. (a) GENDER EQUALITY.—

(1) Of the funds appropriated by this Act, not less than $1,650,000,000 shall be made available for gender programs.

(2) The Secretary of State and the USAID Administrator shall make every effort to integrate a focus on gender equality in Department of State and USAID headquarters and overseas operations, in-
including in strategic planning and budget allocations, and in monitoring and evaluation of the impact of United States policies and programs on women and girls in foreign countries, as appropriate.

(3) Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide, including by—

(A) expanding access to education and health services for women and girls;

(B) providing women and girls access to legal and other protective services;

(C) expanding economic opportunities for poor women, including increasing the number and capacity of women-owned enterprises that employ the poor and very poor, improving property rights for women, increasing access to financial services and capital for women living in poverty, enhancing the role of women in economic decision-making and the ability of women to participate in local, national, and global markets;
(D) focusing on reducing disparities between women’s and men’s access to, control over, and ability to benefit economically, politically, and socially from resources and services;

(E) ensuring that programs to strengthen food security and agricultural development take into account the unique needs of women, in particular increasing women’s assets and prioritizing access to inputs, technologies, and technical assistance for women farmers; and

(F) increasing the participation of women in the planning, implementation, monitoring, and evaluation of such efforts, including by building the capacity of women-focused organizations.

(b) WOMEN’S POLITICAL LEADERSHIP.—Of the funds appropriated under the headings “Development Assistance”, “Economic Support Fund”, “Democracy Fund”, and “Middle East and North Africa Incentive Fund” in this Act, not less than $50,000,000 shall be made available for programs and activities to increase political opportunities for women in countries where women and girls suffer severe forms of discrimination due to law, policy, or practice, by strengthening protections for women’s political status, expanding women’s participation in
political parties and elections, and increasing women’s access to leadership positions in government at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1) Of the funds appropriated under the headings “Global Health Programs”, “Development Assistance”, “Economic Support Fund”, “Democracy Fund”, “Middle East and North Africa Incentive Fund”, and “International Narcotics Control and Law Enforcement” in this Act, not less than $150,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, to strengthen, expand, and implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings, and funds appropriated under the headings “International Disaster Assistance”, “Transition Initiatives”, “Complex Crises Fund”, “Migration and Refugee Assistance”, and “Emergency Refugee and Migration Assistance” should be made available for such efforts.

(2) Department of State and USAID gender programs shall incorporate coordinated efforts to combat a variety of forms of gender-based violence, including child marriage, rape, female genital cut-
ting and mutilation, and domestic violence, among
other forms of gender-based violence in conflict and
non-conflict settings.

(3) Programs and activities funded under titles
III and IV of this Act to train foreign police, judi-
cial, and military personnel, including for inter-
national peacekeeping operations, shall address,
where appropriate, prevention and response to gen-
der-based violence and trafficking in persons, not-
withstanding section 660 of the Foreign Assistance
Act of 1961, and shall promote the integration of
women into the police and other security forces of
their countries.

(d) STRATEGY TO IMPLEMENT THE NATIONAL AC-
TION PLAN.—

(1) Of the funds appropriated under titles III
and IV (but not including funds appropriated under
the headings “Development Assistance” and “Inter-
national Disaster Assistance”) in this Act, not less
than $50,000,000 shall be made available to support
a multi-year strategy to fully implement the United
States National Action Plan on Women, Peace, and
Security, including to expand, and improve coordina-
tion of, United States Government efforts to em-
power women as equal partners in conflict preven-
tion, peace building, transitional processes, and re-
construction efforts in countries affected by conflict
or in political transitions which may perpetuate the
inequality of, and discrimination and violence
against, women and girls, and to ensure their equal
access to relief and recovery assistance.

(2) The Secretary of State shall submit a report
to the Committees on Appropriations not later than
120 days after enactment of this Act describing the
strategy required in paragraph (1) and how existing
programs are being redesigned to directly and con-
cretely implement such strategy.

(e) Funds made available by this Act for assistance
for women and girls shall be made available notwith-
standing any other provision of law: Provided, That noth-
ing in this section shall be construed to alter any existing
statutory prohibitions against abortion or involuntary
sterilizations contained in this or any other Act.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—Of the funds appro-
priated by title III of this Act, up to $800,000,000
may be made available for assistance for basic edu-
cation, including as a contribution to the Global
Partnership for Education.
(2) Higher education.—Of the funds appropriated by title III of this Act, not less than $215,000,000 shall be made available for assistance for higher education, of which $25,000,000 shall be to support such programs in Africa, including for partnerships between higher education institutions in Africa and the United States.

(b) Development grants program.—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 for activities within any sector, to support grants of not more than $2,000,000 to small nongovernmental organizations: Provided, That funds made available under this subsection are in addition to other funds available for such purposes including funds designated by this Act by subsection (f).

(c) Environment and energy.—

(1) In general.—Of the funds appropriated by this Act, not less than $1,155,000,000 shall be made available for environment and energy programs.
(2) **CLEAN ENERGY PROGRAMS.**—The limitation in section 7081(b) of division F of Public Law 111–117 shall continue in effect during fiscal year 2013 as if part of this Act: *Provided*, That the proviso contained in such section shall not apply.

(3) **ADAPTATION PROGRAMS.**—Funds appropriated by this Act may be made available for United States contributions to the Least Developed Countries Fund, the Special Climate Change Fund, the Forest Carbon Partnership Facility, the Green Climate Fund, and the Partnership for Market Readiness to support adaptation and mitigation programs and activities.

(4) **SUSTAINABLE LANDSCAPES AND BIODIVERSITY PROGRAMS.**—Of the funds appropriated under title III of this Act, not less than $111,000,000 shall be made available for sustainable landscapes programs and, in addition, not less than $200,000,000 shall be made available to protect biodiversity, including not less than $2,000,000 to implement and enforce section 8204 of Public Law 110–246, and shall not be used to support or promote industrial scale logging in areas of tropical forest where no such logging occurred prior to the date of enactment of this Act: *Provided*, That funds made available for
the Central African Regional Program for the Environment and other tropical forest programs in the Congo Basin for the United States Fish and Wildlife Service (USFWS) shall be apportioned directly to the USFWS: Provided further, That funds made available for the Department of the Interior (DOI) for programs in the Mayan Biosphere Reserve shall be apportioned directly to the DOI: Provided further, That such funds shall also support programs to protect great apes in Africa and Indonesia, and other endangered species.

(5) 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 subsection and subject to the regular notification procedures of the Committees on Appropriations, to support programs and activities specified in this section.

(6) Extraction of Natural Resources.—

(A) 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 nat-
natural resources, including by strengthening im-
plementation and monitoring of the Extractive
Industries Transparency Initiative, imple-
menting and enforcing section 8204 of Public
Law 110–246 and the Kimberley Process Cer-
tification Scheme, and providing technical as-
sistance to promote independent audit mecha-

nisms and support civil society participation in
natural resource management.

(B)(i) The Secretary of the Treasury shall
inform the managements of the international fi-
nancial 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 assist-
ance by such institutions (including but not lim-
ited 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 pub-
lic disclosure of company payments as required
by section 1504 of Public Law 111–203, and
unless such government has in place func-
tioning systems in the sector in which assist-
ance 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; and

(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.

(ii) The requirements of clause (i) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(C) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-re-
lated multilateral financing mechanisms and processes to vote against industrial scale logging in areas of tropical forest where no such logging occurred prior to the date of enactment of this Act.

(D) The Secretary of the Treasury shall instruct the executive director of each international financial institution to vote against the construction of any coal-fired power plant that does not meet United States Government emissions requirements for new coal-fired power plants, and absent a thorough, independent assessment including public consultation indicating that a mix of conservation and efficiency measures, and renewable energy alternatives, cannot together produce comparable amounts of electricity at comparable cost over the lifetime of the plant.

(7) CONTINUATION OF PRIOR LAW.—Section 7081(g)(2) and (4) of division F of Public Law 111–117 shall continue in effect during fiscal year 2013 as if part of this Act.

(d) FOOD SECURITY AND AGRICULTURE DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than $1,200,000,000 should be made available for
food security and agriculture development programs, of which $32,000,000 shall be made available for Collaborative Research Support Programs: Provided, That such funds may be made available notwithstanding any other provision of law to address food shortages, and may 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.

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than $265,000,000 should be made available for microenterprise and microfinance development programs for the poor, especially women: Provided, That notwithstanding the requirements of sections 254 (a)(1) and (2) of the Foreign Assistance Act of 1961, the USAID Administrator may certify, pursuant to section 254(a)(3) of such Act, poverty assessment tools developed by an organization other than USAID.

(f) RECONCILIATION PROGRAMS.—

(1) Of the funds appropriated by 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 ethnic, religious, and political backgrounds
from areas of civil strife and war, of which $10,000,000 shall be made available for such programs in the Middle East: Provided, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds: Provided further, That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government.

(2) Funds appropriated by this Act under the headings “Economic Support Fund” and “Development Assistance” may be made available for a “New Generation in the Middle East” initiative to build understanding, tolerance, and mutual respect among the next generation of Israeli and Palestinian leaders.

(g) TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement”, not less than $39,000,000 shall be made available for activities to combat trafficking in persons internationally.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than $400,000,000 shall be made available for water and sanitation supply projects
pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(i) NOTIFICATION REQUIREMENTS.—Authorized deviations from funding levels contained in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

CENTRAL ASIA

SEC. 7061. The terms and conditions of subsections (a) through (d) of section 7075 and subsections (a) through (e) of section 7076 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, 2014, 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 Uz-
bekistan and expenditures made in support of the North-
ern 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 assessment and report
required by the previous provisos shall be unclassified but
may be accompanied by 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, 2013, and for the purposes of the applica-
tion of section 7076(e) to this Act, the term “assistance”
shall not include expanded international military edu-
cation and training.

**REQUESTS FOR DOCUMENTS**

Sec. 7062. 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 re-
quirements of the United States Agency for International
Development.
OVERSEAS PRIVATE INVESTMENT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7063. (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, the authority of subsections (a) through (e) of section 234 of such Act shall remain in effect until September 30, 2013.

INTERNATIONAL PRISON CONDITIONS

SEC. 7064. (a) Not later than 180 days after enactment 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 Department of State’s Web site, describing—

(1) conditions in prisons and other detention facilities in countries whose governments receive United States assistance and which the Secretary determines raise serious human rights or humanitarian concerns; and

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

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

(c) Of the funds appropriated under the headings “Development Assistance”, “Economic Support Fund”, and “International Narcotics Control and Law Enforcement” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, not less than $5,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate such conditions: Provided, That decisions regarding the uses of such funds shall be the responsibility of the Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor, in consultation with USAID’s Assist-
ANT Administrator for the Bureau for Democracy, Conflict, and Humanitarian Assistance, as appropriate.

**PROHIBITION ON USE OF TORTURE**

SEC. 7065. (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.

(b) 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 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 receiving assistance from funds appropriated by this Act that are identified in the Department of State’s most recent Country Reports on Human Rights Practices.

**EXTRADITION**

SEC. 7066. (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.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7067. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not in-
excluding Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7068. (a) None of the funds appropriated by this Act shall 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: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated by this Act under the heading “Economic Support Fund” may be made available, notwithstanding any other provision of law, for assistance and related programs for the countries identified in section 3(c) of the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179) and section 3 of the FREEDOM Support Act (Public Law 102–511)
and may be used to carry out the provisions of those Acts: 


(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.

INTERNATIONAL MONETARY FUND

Sec. 7069. (a) The terms and conditions of sections
7086(b) (1) and (2) and 7090(a) of division F of Public
Law 111–117 shall apply to this Act.

(b) 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.

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

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7070. (a) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation—

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

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

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and
(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7071. 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.

DISABILITY PROGRAMS

SEC. 7072. (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 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.

(b) Funds appropriated under the heading “Operating Expenses” in title II of this Act shall be made avail-
able 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) Of the funds made available by this section, up to 7 percent may be for management, oversight, and technical support.

ENTERPRISE FUNDS

Sec. 7073. (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 no such funds may be available except through the regular notification procedures of the Committees on Appropriations.

CONSULAR AFFAIRS

Sec. 7074. The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers to include limited non-career appoint-
ment officers, in the People's Republic of China, Brazil, and India to reduce or maintain the wait time to interview a visa applicant to 3 weeks after a visa application has been submitted: Provided, That exceptions to this standard may occur due to security considerations and to ensure adequate provision of consular services to United States citizens.

PROCUREMENT REFORM

SEC. 7075. Section 7077 of division I of Public Law 112–74 shall continue in effect during fiscal year 2013: Provided, That subsection (b)(3) of such section is amended to read as follows—

“(3) either is—

“(A) a for-profit entity majority owned and operated by individuals who are citizens or lawful permanent residents of; or

“(B) a non-profit entity majority operated and managed by individuals who are citizens or lawful permanent residents of;

“a country receiving assistance from funds appropriated under title III of this Act.”.

OPERATING AND SPEND PLANS

SEC. 7076. (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 shall submit to
the Committees on Appropriations an operating plan for
funds appropriated to such department, agency, or organi-
zation in such titles of this Act, or funds otherwise avail-
able for obligation in fiscal year 2013, that provides de-
tails of the use of such funds at the program, project, and
activity level: Provided, That such operating plans shall
be subject to the regular notification procedures of the
Committees on Appropriations.

(b) SPEND PLANS.—Prior to the initial obligation of
funds, the Secretary of State, in consultation with the
USAID Administrator, shall submit to the Committees on
Appropriations a detailed spend plan for funds made avail-
able in titles III and IV of this Act for assistance for Iraq,
Afghanistan, Pakistan, and the West Bank and Gaza, and
for food security and agriculture development programs
and environment programs.

(c) NOTIFICATIONS.—The spend plans referenced in
subsection (b) shall be subject to prior consultation with
the Committees on Appropriations and shall not be consid-
ered as meeting the notification requirements under sec-
tion 7015 of this Act or under section 634A of the Foreign
SPECIAL DEFENSE ACQUISITION FUND

SEC. 7077. Not to exceed $100,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (Fund), to remain available for obligation until September 30, 2016: Provided, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

UNITED NATIONS POPULATION FUND

SEC. 7078. (a) CONTRIBUTION.—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2013, $44,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health Programs” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

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

(d) Conditions on Availability of Funds.—
Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

Authorization for Selective Capital Increase

Sec. 7079. Section 70 of the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.), is amended in subsection (b) by adding at the end the following:

“(3) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(1)(B), there are authorized to be appropriated, without fiscal year limitation, $4,639,501,466 for payment by the Secretary of the Treasury.

“(4) Of the amount authorized to be appropriated under paragraph (1)(A)(i), $278,370,088 shall be for paid in shares of the Bank; and (ii) $4,361,131,378 shall be for callable shares of the Bank.”.
COMMUNITY DEVELOPMENT FUNDS

Sec. 7080. Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 which are made available through grants or cooperative agreements to strengthen food security in developing countries and which are consistent with the goals of title II of the Food for Peace Act, may be deemed to be expended on nonemergency food assistance for purposes of section 412(e)(1) of the Food for Peace Act, 7 U.S.C. 1736f(e)(1).

UNITED STATES EXPORT PROMOTION ACTIVITIES

Sec. 7081. Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, the USAID Administrator, the Secretary of Commerce, and the heads of the Export-Import Bank of the United States, Overseas Private Investment Corporation, United States Trade and Development Agency, and other relevant Federal agencies, shall submit a report to the Committees on Appropriations detailing programs and activities supported by the Department of State and such agencies to promote exports of United States goods and services worldwide, particularly to Africa, and a plan for improving inter-agency coordination in efforts to—
(1) increase exports of United States goods and services;

(2) align United States commercial interests with development priorities in each region;

(3) facilitate the development of relationships between the governments of, and businesses in, other countries with United States businesses;

(4) enhance the competitiveness of United States businesses overseas; and

(5) encourage a greater understanding among United States business and financial communities of potential markets in other countries for United States exports.

HEAVILY INDEBTED POOR COUNTRIES AUTHORIZATION


FRAUD PREVENTION AND DETECTION FEES

SEC. 7083. In addition to the uses permitted pursuant to Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)), the Secretary of State may also use fees deposited into the Fraud Prevention and Detection Account for programs and activities:
(1) to increase the number of personnel assigned to the function of preventing and detecting visa fraud; and (2) to purchase, lease, construct, and staff facilities used for the processing of the class of visas described in subparagraphs (H)(i), (H)(ii), or (L) of section 101(a)(15) of that Act.

BORDER CROSSING CARD FEE FOR MINORS

SEC. 7084. Section 410(a)(1)(A) of title IV of the Department of State and Related Agencies Appropriations Act, 1999 (contained in division A of Public Law 105–277) is amended by striking “a fee of $13” and inserting “a fee of not to exceed half the amount of the fee that would otherwise apply for processing a machine readable combined border crossing identification card and non-immigrant visa, and may be increased not more than 50 percent in a fiscal year”.

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

SEC. 7085. (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 ac-
tivities funded from “Contributions to International Orga-
nizations” because of fluctuations in foreign currency ex-
change 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 Inter-
national Organizations” such amounts from “Buying
Power Maintenance, International Organizations” as the
Secretary determines are necessary to provide for the ac-
tivities funded from “Contributions to International Orga-
nizations”.

(d)(1) Subject to the limitations contained in this sec-
tion, not later than the end of the fifth fiscal year after
the fiscal year for which funds are appropriated or other-
wise 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 sub-
section.

(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 ex-
penditure only in accordance with the procedures under
such section.

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

(2) The transfer authorities in this section shall be
available for funds appropriated for fiscal year 2013 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.

DEPARTMENT OF STATE ORGANIZATION

Sec. 7086. The Secretary of State may transfer any
authority, duty, or function assigned by statute to the Co-
ordinator for Counterterrorism, the Coordinator for Re-
construction and Stabilization, or the Coordinator for
International Energy Affairs (or to their respective off-
cices) to such other officials or offices of the Department
of State as the Secretary may determine from time to
time.

HIV/AIDS WORKING CAPITAL FUND

Sec. 7087. Funds available in the HIV/AIDS Work-
ing Capital Fund (in this section referred to as the
“Fund”) established pursuant to section 525(b)(1) of the
Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) may be made available for pharmaceuticals and other products for other global health and child survival activities to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: Provided, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) shall not be exercised by the Coordinator of the United States Activities to Combat HIV/AIDS Globally with respect to funds deposited for non-HIV/AIDS pharmaceuticals and other products.

WORKING CAPITAL FUND

SEC. 7088. (a) The USAID Administrator (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 implementa-
tion of procurement reform and manage-
ment 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 USAID from appropriations available to
USAID and any appropriation made available for the pur-
pose of providing capital: Provided, That receipts from the
disposal of, or repayments for the loss or damage to, prop-
erty 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 pro-
grams, 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.

(e) At the close of fiscal year 2013 and at the close
of each fiscal year thereafter, the Administrator shall de-
terminate 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 ac-
counts 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.

PILOT PROGRAMS IN AFRICA

Sec. 7089. (a) Of the funds appropriated by this Act under the headings “Global Health Programs” and “Development Assistance”, not less than $15,000,000 shall be made available for a pilot program to address health and development challenges in Africa and increased economic engagement opportunities with the United States.

(b) Of the funds appropriated by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement”, not less than $10,000,000 shall be made available for a pilot program to address security challenges in Africa.

(c) Funds made available under subsections (a) and (b) shall be programmed in a manner that leverages a government-wide approach to addressing shared challenges and mutually beneficial opportunities, and shall be the responsibility of United States Chiefs of Mission in countries
in Africa seeking enhanced partnerships with the United States in the areas of trade, investment, development, health, and security: Provided further, That funds made available under this section shall be matched to the maximum extent practicable by sources other than the United States Government: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds.

(d) Up to 7 percent of the funds made available by subsections (a) and (b) respectively, may be made available, in addition to funds otherwise available for such purposes, for the administrative costs of the Department of State and USAID incurred in implementing the pilot programs established by this section.

CONSULAR NOTIFICATION COMPLIANCE

SEC. 7090. (a) PETITION FOR REVIEW.—

(1) JURISDICTION.—Notwithstanding any other provision of law, a Federal court shall have jurisdiction to review the merits of a petition claiming a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or a comparable provision of a bilateral international agreement addressing consular notification and access, filed by an individual convicted
and sentenced to death by any Federal or State
court before the date of enactment of this Act.

(2) **STANDARD.**—To obtain relief, an individual
described in paragraph (1) shall make a showing of
actual prejudice to the criminal conviction or sen-
tence as a result of the violation. The court may
conduct an evidentiary hearing if necessary to sup-
plement the record and, upon a finding of actual
prejudice, shall order a new trial or sentencing pro-
ceeding.

(3) **LIMITATIONS.**—

(A) **INITIAL SHOWING.**—To qualify for re-
view under this subsection, a petition must
make an initial showing that—

(i) a violation of Article 36(1)(b) or
(c) of the Vienna Convention on Consular
Relations, done at Vienna April 24, 1963,
or a comparable provision of a bilateral
international agreement addressing con-
sular notification and access, occurred with
respect to the individual described in para-
graph (1); and

(ii) if such violation had not occurred,
the consulate would have provided assist-
ance to the individual.
(B) Effect of prior adjudication.—A petition for review under this subsection shall not be granted if the claimed violation described in paragraph (1) has previously been adjudicated on the merits by a Federal or State court of competent jurisdiction in a post-conviction proceeding in which no Federal or State procedural bars were raised with respect to such violation and in which the court provided review equivalent to the review provided in this subsection, unless the adjudication of the claim resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the prior Federal or State court proceeding.

(C) Filing deadline.—A petition for review under this subsection shall be filed within 1 year of the later of—

(i) the date of enactment of this Act;

(ii) the date on which the Federal or State court judgment against the individual described in paragraph (1) became final by the conclusion of direct review or the expiration of the time for seeking such review; or
(iii) the date on which the impediment to filing a petition created by Federal or State action in violation of the Constitution or laws of the United States is removed, if the individual described in paragraph (1) was prevented from filing by such Federal or State action.

(D) TOLLING.—The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward the 1-year period of limitation.

(E) TIME LIMIT FOR REVIEW.—A Federal court shall give priority to a petition for review filed under this subsection over all noncapital matters. With respect to a petition for review filed under this subsection and claiming only a violation described in paragraph (1), a Federal court shall render a final determination and enter a final judgment not later than one year after the date on which the petition is filed.

(4) HABEAS PETITION.—A petition for review under this subsection shall be part of the first Federal habeas corpus application or motion for Federal
collateral relief under chapter 153 of title 28, United States Code, filed by an individual, except that if an individual filed a Federal habeas corpus application or motion for Federal collateral relief before the date of enactment of this Act or if such application is required to be filed before the date that is 1 year after the date of enactment of this Act, such petition for review under this subsection shall be filed not later than 1 year after the enactment date or within the period prescribed by paragraph (3)(C)(iii), whichever is later. No petition filed in conformity with the requirements of the preceding sentence shall be considered a second or successive habeas corpus application or subjected to any bars to relief based on pre-enactment proceedings other than as specified in paragraph (2).

(5) Referral to magistrate.—A Federal court acting under this subsection may refer the petition for review to a Federal magistrate for proposed findings and recommendations pursuant to 28 U.S.C. §636(b)(1)(B).

(6) Appeal.—

(A) In general.—A final order on a petition for review under paragraph (1) shall be subject to review on appeal by the court of ap-
peals for the circuit in which the proceeding is held.

(B) APPEAL BY PETITIONER.—An individual described in paragraph (1) may appeal a final order on a petition for review under paragraph (1) only if a district or circuit judge issues a certificate of appealability. A district judge or circuit judge may issue a certificate of appealability under this subparagraph if the individual has made a substantial showing of actual prejudice to the criminal conviction or sentence of the individual as a result of a violation described in paragraph (1).

(b) VIOLATION.—

(1) IN GENERAL.—An individual not covered by subsection (a) who is arrested, detained, or held for trial on a charge that would expose the individual to a capital sentence if convicted may raise a claim of a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or of a comparable provision of a bilateral international agreement addressing consular notification and access, at a reasonable time after the individual becomes aware of the violation, before
the court with jurisdiction over the charge. Upon a
finding of such a violation—

(A) the consulate of the foreign state of
which the individual is a national shall be noti-
ified immediately by the detaining authority,
and consular access to the individual shall be
afforded in accordance with the provisions of
the Vienna Convention on Consular Relations,
done at Vienna April 24, 1963, or the com-
parable provisions of a bilateral international
agreement addressing consular notification and
access; and

(B) the court—

(i) shall postpone any proceedings to
the extent the court determines necessary
to allow for adequate opportunity for con-
sular access and assistance; and

(ii) may enter necessary orders to fa-
cilitate consular access and assistance.

(2) EVIDENTIARY HEARINGS.—The court may
conduct evidentiary hearings if necessary to resolve
factual issues.

(3) RULE OF CONSTRUCTION.—Nothing in this
subsection shall be construed to create any addi-
tional remedy.
(c) DEFINITIONS.—In this section—

(1) the term “national of the United States” has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(2) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

EDUCATION FOUNDATION

SEC. 7091. (a) GRANTS AUTHORIZED.—The Secretary of State may award one or more grants, using a transparent and competitive selection process, to the Vietnam Education Foundation, United States accredited institutions of higher education, or not-for-profit organizations engaged in promoting institutional innovation in Vietnamese higher education: Provided, That grant funds awarded under this subsection shall be used to support the establishment of one or more independent, not-for-profit academic institutions in Vietnam, which meet standards comparable to those required for accreditation in the United States under section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)), with graduate level programs in public policy, management, and related fields, that support the equitable and sustainable socio-
economic development of Vietnam, feature teaching and research components, promote the development of institutional capacity and innovation in Vietnam, operate according to core principles of good governance, are autonomous from the Government of Vietnam, and reflect the participation and support, including financial support, of local and international stakeholders: *Provided further,* That each entity desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require: *Provided further,* That the Secretary may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection and for carrying out the functions transferred to the Department of State pursuant to subsection (b): *Provided further,* That the Secretary shall submit an annual report to the Committees on Appropriations that summarizes the activities carried out under this subsection during the most recent fiscal year.

(b) Transfer of Functions and Assets.—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Department of State.
(c) USE OF FUNDS.—In addition to the purpose set forth in paragraph (2) of section 207(e) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note), during each of the fiscal years 2012 through 2018, the amounts deposited into the Vietnam Debt Repayment Fund pursuant to paragraph (1) of such section shall be made available by the Secretary of the Treasury, upon the request of the Secretary of State, to the Department of State for the purposes of carrying out this section.

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 7092. 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 vio-
late 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.”.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7093. If the executive branch makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

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”, $1,426,000,000, to remain available until September 30, 2014, of which $651,000,000 is for
Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to $100,000,000 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 any such transfer shall be treated as a reprogramming of funds under subsections (a) and (b) of section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the funds appropriated under this heading, not more than $1,071,513,000 may be made available for Department of State operations in Afghanistan, not more than $154,487,000 may be made available for such operations in Pakistan, and not more than $200,000,000 may be made available for such operations in Iraq: *Provided further*, That of the funds appropriated under this heading for operations and security programs in Afghanistan, 15 percent shall be withheld from obligation until the Secretary of State, in consultation with the Secretary of Defense and USAID Administrator, submits to the Committees on Appropriations the report on Af-
ghanistan required under this heading in the report accompanying this Act: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, $55,900,000, to remain available until September 30, 2014, of which $6,000,000 shall be for the Special Inspector General for Iraq Reconstruction (SIGIR) for reconstruction oversight, and $49,900,000 shall be for the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight: Provided, That the unobligated balances available for SIGIR under this heading remaining on March 24, 2013, shall be made available for SIGAR for Iraq-related reconstruction oversight carried out pursuant to the two subsequent provisos: Provided further, That on March 24, 2013, all investigative functions and related personnel of SIGIR (including attorneys and related support personnel detailed to the Department of Justice) shall be transferred to SIGAR, who shall thereafter exercise the authorities related to criminal investigations granted by law to SIGIR, notwithstanding any other provision of law, until March 31, 2014: Provided further, That the activities carried out
by such investigative and support personnel and attorneys shall continue without interruption, and shall be supervised only by SIGAR, notwithstanding any other provision of law: Provided further, That on March 30, 2013, the Office of the Special Inspector General for Iraq Reconstruction shall be abolished: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for “Contributions to International Organizations”, $101,300,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations pursuant to section 251(b)(2)(A) of the Balanced budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, $109,800,000, to remain available until September 30, 2014, of which not more than $63,800,000 may be made
available for USAID operations in Afghanistan, not more
than $5,000,000 may be made available for such oper-
ations in Pakistan, and not more than $41,000,000 may
be made available for such operations in Iraq: Provided,
That such amount is designated by the Congress for Over-
seas Contingency Operations pursuant to section
251(b)(2)(A) of the Balanced Budget and Emergency

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support
Fund”, $600,000,000, to remain available until Sep-
tember 30, 2014, of which not more than $450,000,000
may be made available for assistance for Afghanistan, not
more than $100,000,000 may be made available for assist-
ance for Pakistan, and not more than $50,000,000 may
be made available for assistance for Iraq: Provided, That
such amount is designated by the Congress for Overseas
Contingency Operations pursuant to section 251(b)(2)(A)
of the Balanced Budget and Emergency Deficit Control
GENERAL PROVISIONS

ADDITIONAL APPROPRIATIONS

Sec. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2013.

EXTENSION OF AUTHORITIES AND CONDITIONS

Sec. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

TRANSFER AUTHORITY FOR OPERATIONS

Sec. 8003. Funds appropriated by this title under the headings “Diplomatic and Consular Programs”, “Office of Inspector General”, and “Operating Expenses” may be transferred to, and merged with, funds appropriated by this title under such headings: 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 provision of law.
This Act may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2013”.
A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2013, and for other purposes.

MAY 24, 2012

Passed the House and placed on the calendar