

115TH CONGRESS
2D SESSION

S. 3111

To make permanent certain Department of State, foreign operations, and related programs general provisions.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2018

Mr. GRAHAM (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To make permanent certain Department of State, foreign operations, and related programs general provisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of State,
5 Foreign Operations, and Related Programs Permanent
6 General Provisions Act of 2018”.

7 **SEC. 2. PERMANENT EFFECT.**

8 The provisions of this Act apply with respect to fiscal
9 year 2020 and each subsequent fiscal year thereafter.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committees on Appropriations
6 and Foreign Relations of the Senate and the Com-
7 mittees on Appropriations and Foreign Affairs of
8 the House of Representatives.

9 (2) INTERNATIONAL FINANCIAL INSTITU-
10 TIONS.—The term “international financial institu-
11 tions” means the International Bank for Recon-
12 struction and Development, the International Devel-
13 opment Association, the International Finance Cor-
14 poration, the Inter-American Development Bank, the
15 International Monetary Fund, the Asian Develop-
16 ment Bank, the Asian Development Fund, the Inter-
17 American Investment Corporation, the North Amer-
18 ican Development Bank, the European Bank for Re-
19 construction and Development, the African Develop-
20 ment Bank, the African Development Fund, and the
21 Multilateral Investment Guarantee Agency.

22 (3) REGULAR NOTIFICATION PROCEDURES.—
23 The term “regular notification procedures” means
24 that at least 15 days prior to obligating funds ap-
25 propriated or otherwise made available pursuant to
26 an Act making appropriations for the Department of

1 State, foreign operations, and related programs, the
2 Secretary of State or the Administrator of the
3 United States Agency for International Develop-
4 ment, as appropriate, shall submit a notification to
5 the Committees on Appropriations, which shall in-
6 clude a detailed description of how such funds pro-
7 posed to be made available will be used.

8 **SEC. 4. CONSULTING SERVICES.**

9 The expenditure of any funds appropriated or other-
10 wise made available pursuant to an Act making appropria-
11 tions for the Department of State, foreign operations, and
12 related programs for any consulting service through pro-
13 curement contract, pursuant to section 3109 of title 5,
14 United States Code, shall be limited to those contracts
15 where such expenditures are a matter of public record and
16 available for public inspection, except where otherwise pro-
17 vided under existing law, or under existing executive order
18 issued pursuant to existing law.

19 **SEC. 5. COUP D'ETAT.**

20 None of the funds appropriated or otherwise made
21 available pursuant to an Act making appropriations for
22 the Department of State, foreign operations, and related
23 programs for bilateral assistance, international security
24 assistance, multilateral assistance, or export and invest-
25 ment assistance shall be obligated or expended to finance

1 directly any assistance to the government of any country
2 whose duly elected head of government is deposed by mili-
3 tary coup d'etat or decree or, after the date of enactment
4 of this Act, a coup d'etat or decree in which the military
5 plays a decisive role: *Provided*, That assistance may be re-
6 sumed to such government if the Secretary of State cer-
7 tifies and reports to the appropriate congressional commit-
8 tees that subsequent to the termination of assistance a
9 democratically elected government has taken office: *Pro-*
10 *vided further*, That the provisions of this section shall not
11 apply to assistance to promote democratic elections or
12 public participation in democratic processes: *Provided fur-*
13 *ther*, That funds made available pursuant to the previous
14 provisos shall be subject to the regular notification proce-
15 dures of the Committees on Appropriations.

16 **SEC. 6. LIMITATION ON ASSISTANCE TO COUNTRIES IN DE-**
17 **FAULT.**

18 No part of any appropriation provided pursuant to
19 an Act making appropriations for the Department of
20 State, foreign operations, and related programs for bilat-
21 eral assistance, international security assistance, multilat-
22 eral assistance, or export and investment assistance shall
23 be used to furnish assistance to the government of any
24 country which is in default during a period in excess of
25 1 calendar year in payment to the United States of prin-

1 cipal or interest on any loan made to the government of
2 such country by the United States pursuant to a program
3 for which funds are appropriated under such Act unless
4 the President determines, following consultation with the
5 Committees on Appropriations, that assistance for such
6 country is in the national interest of the United States.

7 **SEC. 7. NOTIFICATION ON EXCESS DEFENSE EQUIPMENT.**

8 Prior to providing excess Department of Defense arti-
9 cles in accordance with section 516(a) of the Foreign As-
10 sistance Act of 1961, the Department of Defense shall no-
11 tify the Committees on Appropriations to the same extent
12 and under the same conditions as other committees pursu-
13 ant to subsection (f) of that section: *Provided*, That before
14 issuing a letter of offer to sell excess defense articles under
15 the Arms Export Control Act, the Department of Defense
16 shall notify the Committees on Appropriations in accord-
17 ance with the regular notification procedures of such Com-
18 mittees if such defense articles are significant military
19 equipment (as defined in section 47(9) of the Arms Export
20 Control Act) or are valued (in terms of original acquisition
21 cost) at \$7,000,000 or more, or if notification is required
22 by any other Act for the use of appropriated funds for
23 specific countries that would receive such excess defense
24 articles: *Provided further*, That such Committees shall also

1 be informed of the original acquisition cost of such defense
2 articles.

3 **SEC. 8. REPRESENTATION AND ENTERTAINMENT EX-**
4 **PENSES.**

5 (a) USE OF FUNDS.—Each Federal department,
6 agency, or entity funded in titles I or II of an Act making
7 appropriations for the Department of State, foreign oper-
8 ations, and related programs, and the Department of the
9 Treasury and independent agencies funded in titles III or
10 VI of such an Act, shall take steps to ensure that domestic
11 and overseas representation and entertainment expenses
12 further official agency business and United States foreign
13 policy interests, and—

14 (1) are primarily for fostering relations outside
15 of the Executive Branch;

16 (2) are principally for meals and events of a
17 protocol nature;

18 (3) are not for employee-only events; and

19 (4) do not include activities that are substan-
20 tially of a recreational character.

21 (b) LIMITATIONS.—None of the funds appropriated
22 or otherwise made available by an Act making appropria-
23 tions for the Department of State, foreign operations, and
24 related programs under the headings “International Mili-
25 tary Education and Training” or “Foreign Military Fi-

1 nancing Program” for Informational Program activities or
 2 under the headings “Global Health Programs”, “Develop-
 3 ment Assistance”, “Economic Support Fund”, and “As-
 4 sistance for Europe, Eurasia and Central Asia” may be
 5 obligated or expended to pay for—

6 (1) alcoholic beverages; or

7 (2) entertainment expenses for activities that
 8 are substantially of a recreational character, includ-
 9 ing entrance fees at sporting events, theatrical and
 10 musical productions, and amusement parks.

11 **SEC. 9. PROHIBITION ON ASSISTANCE TO GOVERNMENTS**

12 **SUPPORTING INTERNATIONAL TERRORISM.**

13 (a) **LETHAL MILITARY EQUIPMENT EXPORTS.—**

14 (1) **PROHIBITION.**—None of the funds appro-
 15 priated or otherwise made available pursuant to an
 16 Act making appropriations for the Department of
 17 State, foreign operations, and related programs for
 18 bilateral assistance, international security assistance,
 19 multilateral assistance, or export and investment as-
 20 sistance may be made available to any foreign gov-
 21 ernment which provides lethal military equipment to
 22 a country the government of which the Secretary of
 23 State has determined supports international ter-
 24 rorism for purposes of section 6(j) of the Export Ad-
 25 ministration Act of 1979 as continued in effect pur-

1 suant to the International Emergency Economic
2 Powers Act: *Provided*, That the prohibition under
3 this section with respect to a foreign government
4 shall terminate 12 months after that government
5 ceases to provide such military equipment: *Provided*
6 *further*, That this section applies with respect to le-
7 thal military equipment provided under a contract
8 entered into after October 1, 1997.

9 (2) DETERMINATION.—Assistance restricted by
10 paragraph (1) or any other similar provision of law,
11 may be furnished if the President determines that to
12 do so is important to the national interest of the
13 United States.

14 (3) REPORT.—Whenever the President makes a
15 determination pursuant to paragraph (2), the Presi-
16 dent shall submit to the Committees on Appropria-
17 tions a report with respect to the furnishing of such
18 assistance, including a detailed explanation of the
19 assistance to be provided, the estimated dollar
20 amount of such assistance, and an explanation of
21 how the assistance furthers United States national
22 interest.

23 (b) BILATERAL ASSISTANCE.—

24 (1) LIMITATIONS.—Funds appropriated for bi-
25 lateral assistance pursuant to an Act making appro-

1 appropriations for the Department of State, foreign oper-
2 ations, and related programs for bilateral assistance,
3 international security assistance, multilateral assist-
4 ance, or export and investment assistance and funds
5 appropriated for such purposes in prior Acts making
6 appropriations for the Department of State, foreign
7 operations, and related programs, shall not be made
8 available to any foreign government which the Presi-
9 dent determines—

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

13 (B) otherwise supports international ter-
14 rorism; or

15 (C) is controlled by an organization des-
16 ignated as a terrorist organization under sec-
17 tion 219 of the Immigration and Nationality
18 Act (8 U.S.C. 1189).

19 (2) WAIVER.—The President may waive the ap-
20 plication of paragraph (1) to a government if the
21 President determines that national security or hu-
22 manitarian reasons justify such waiver: *Provided*,
23 That the President shall publish each such waiver in
24 the Federal Register and, at least 15 days before the
25 waiver takes effect, shall notify the Committees on

1 Appropriations of the waiver (including the justifica-
2 tion for the waiver) in accordance with the regular
3 notification procedures of the Committees on Appro-
4 priations.

5 **SEC. 10. AUTHORITIES FOR THE PEACE CORPS, INTER-**
6 **AMERICAN FOUNDATION, AND UNITED**
7 **STATES AFRICAN DEVELOPMENT FOUNDA-**
8 **TION.**

9 Unless expressly provided to the contrary, provisions
10 of this or any other Act, including provisions contained
11 in prior or subsequent Acts authorizing or making appro-
12 priations for the Department of State, foreign operations,
13 and related programs, shall not be construed to prohibit
14 activities authorized by or conducted under the Peace
15 Corps Act, the Inter-American Foundation Act, or the Af-
16 rican Development Foundation Act: *Provided*, That prior
17 to conducting activities in a country for which assistance
18 is prohibited, the agency shall consult with the Commit-
19 tees on Appropriations and report to such Committees
20 within 15 days of taking such action.

21 **SEC. 11. COMMERCE, TRADE AND SURPLUS COMMODITIES.**

22 (a) WORLD MARKETS.—None of the funds appro-
23 priated or otherwise made available pursuant to an Act
24 making appropriations for the Department of State, for-
25 eign operations, and related programs for bilateral assist-

1 ance, international security assistance, multilateral assist-
 2 ance, or export and investment assistance for direct assist-
 3 ance and none of the funds otherwise made available to
 4 the Export-Import Bank and the Overseas Private Invest-
 5 ment Corporation shall be obligated or expended to fi-
 6 nance any loan, any assistance, or any other financial com-
 7 mitments for establishing or expanding production of any
 8 commodity for export by any country other than the
 9 United States, if the commodity is likely to be in surplus
 10 on world markets at the time the resulting productive ca-
 11 pacity is expected to become operative and if the assist-
 12 ance will cause substantial injury to United States pro-
 13 ducers of the same, similar, or competing commodity: *Pro-*
 14 *vided*, That such prohibition shall not apply to the Export-
 15 Import Bank if in the judgment of its Board of Directors
 16 the benefits to industry and employment in the United
 17 States are likely to outweigh the injury to United States
 18 producers of the same, similar, or competing commodity,
 19 and the Chairman of the Board so notifies the Committees
 20 on Appropriations: *Provided further*, That this subsection
 21 shall not prohibit—

22 (1) activities in a country that is eligible for as-
 23 sistance from the International Development Asso-
 24 ciation, is not eligible for assistance from the Inter-
 25 national Bank for Reconstruction and Development,

1 and does not export on a consistent basis the agri-
2 cultural commodity with respect to which assistance
3 is furnished; or

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

7 (b) EXPORTS.—Funds appropriated or otherwise
8 made available pursuant to an Act making appropriations
9 for the Department of State, foreign operations, and re-
10 lated programs that are made available to carry out chap-
11 ter 1 of part I of the Foreign Assistance Act of 1961 shall
12 be available for any testing or breeding feasibility study,
13 variety improvement or introduction, consultancy, publica-
14 tion, conference, or training in connection with the growth
15 or production in a foreign country of an agricultural com-
16 modity for export which would compete with a similar
17 commodity grown or produced in the United States: *Pro-*
18 *vided*, That this subsection shall not prohibit—

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

23 (2) research activities intended primarily to
24 benefit United States producers;

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

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

11 (c) INTERNATIONAL FINANCIAL INSTITUTIONS.—

12 The Secretary of the Treasury shall instruct the United
 13 States executive director of each international financial in-
 14 stitution to use the voice and vote of the United States
 15 to oppose any assistance by such institutions, using funds
 16 appropriated or made available by this Act, for the produc-
 17 tion or extraction of any commodity or mineral for export,
 18 if it is in surplus on world markets and if the assistance
 19 will cause substantial injury to United States producers
 20 of the same, similar, or competing commodity.

21 **SEC. 12. SEPARATE ACCOUNTS.**

22 (a) SEPARATE ACCOUNTS FOR LOCAL CUR-
 23 RENCIES.—

24 (1) AGREEMENTS.—If assistance is furnished to
 25 the government of a foreign country under chapters

1 1 and 10 of part I or chapter 4 of part II of the
2 Foreign Assistance Act of 1961 under agreements
3 which result in the generation of local currencies of
4 that country, the Administrator of the United States
5 Agency for International Development (USAID)
6 shall—

7 (A) require that local currencies be depos-
8 ited in a separate account established by that
9 government;

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

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

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

17 (C) establish by agreement with that gov-
18 ernment the responsibilities of USAID and that
19 government to monitor and account for deposits
20 into and disbursements from the separate ac-
21 count.

22 (2) USES OF LOCAL CURRENCIES.—As may be
23 agreed upon with the foreign government, local cur-
24 rencies deposited in a separate account pursuant to

1 subsection (a), or an equivalent amount of local cur-
2 rencies, shall be used only—

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

7 (i) project and sector assistance activi-
8 ties; or

9 (ii) debt and deficit financing; or

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

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

19 (4) TERMINATION OF ASSISTANCE PRO-
20 GRAMS.—Upon termination of assistance to a coun-
21 try under chapter 1 or 10 of part I or chapter 4 of
22 part II of the Foreign Assistance Act of 1961 (as
23 the case may be), any unencumbered balances of
24 funds which remain in a separate account estab-
25 lished pursuant to subsection (a) shall be disposed of

1 for such purposes as may be agreed to by the gov-
2 ernment of that country and the United States Gov-
3 ernment.

4 (5) REPORT.—The USAID Administrator shall
5 report as part of the congressional budget justifica-
6 tion submitted to the Committees on Appropriations
7 on the use of local currencies for the administrative
8 requirements of the United States Government as
9 authorized in subsection (a)(2)(B), and such report
10 shall include the amount of local currency (and
11 United States dollar equivalent) used or to be used
12 for such purpose in each applicable country.

13 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

14 (1) IN GENERAL.—If assistance is made avail-
15 able to the government of a foreign country, under
16 chapter 1 or 10 of part I or chapter 4 of part II of
17 the Foreign Assistance Act of 1961, as cash transfer
18 assistance or as nonproject sector assistance, that
19 country shall be required to maintain such funds in
20 a separate account and not commingle with any
21 other funds.

22 (2) APPLICABILITY OF OTHER PROVISIONS OF
23 LAW.—Such funds may be obligated and expended
24 notwithstanding provisions of law which are incon-
25 sistent with the nature of this assistance including

1 provisions which are referenced in the Joint Explan-
2 atory Statement of the Committee of Conference ac-
3 companying House Joint Resolution 648 (House Re-
4 port No. 98–1159).

5 (3) NOTIFICATION.—At least 15 days prior to
6 obligating any such cash transfer or nonproject sec-
7 tor assistance, the President shall submit a notifica-
8 tion through the regular notification procedures of
9 the Committees on Appropriations, which shall in-
10 clude a detailed description of how the funds pro-
11 posed to be made available will be used, with a dis-
12 cussion of the United States interests that will be
13 served by such assistance (including, as appropriate,
14 a description of the economic policy reforms that will
15 be promoted by such assistance).

16 (4) EXEMPTION.—Nonproject sector assistance
17 funds may be exempt from the requirements of para-
18 graph (1) only through the regular notification pro-
19 cedures of the Committees on Appropriations.

20 **SEC. 13. DEBT-FOR-DEVELOPMENT.**

21 In order to enhance the continued participation of
22 nongovernmental organizations in debt-for-development
23 and debt-for-nature exchanges, a nongovernmental organi-
24 zation which is a grantee or contractor of the United
25 States Agency for International Development may place

1 in interest bearing accounts local currencies which accrue
2 to that organization as a result of economic assistance pro-
3 vided as bilateral assistance pursuant to an Act making
4 appropriations for the Department of State, foreign oper-
5 ations, and related programs and, subject to the regular
6 notification procedures of the Committees on Appropria-
7 tions, any interest earned on such investment shall be used
8 for the purpose for which the assistance was provided to
9 that organization.

10 **SEC. 14. WAR CRIMES TRIBUNALS.**

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

1 section shall be made available subject to the regular noti-
 2 fication procedures of the Committees on Appropriations.

3 **SEC. 15. COMMUNITY-BASED POLICE ASSISTANCE.**

4 Funds made available pursuant to an Act making ap-
 5 propriations for the Department of State, foreign oper-
 6 ations, and related programs for bilateral economic assist-
 7 ance and international security assistance to carry out the
 8 provisions of chapters 1 and 10 of part I and chapters
 9 4 and 6 of part II of the Foreign Assistance Act of 1961,
 10 may be used, notwithstanding section 660 of that Act, to
 11 enhance the effectiveness and accountability of civilian po-
 12 lice authority through training and technical assistance in
 13 human rights, the rule of law, anti-corruption, strategic
 14 planning, and through assistance to foster civilian police
 15 roles that support democratic governance, including assist-
 16 ance for programs to prevent conflict, respond to disas-
 17 ters, address gender-based violence, and foster improved
 18 police relations with the communities they serve.

19 **SEC. 16. AIRCRAFT TRANSFER, COORDINATION, AND USE.**

20 (a) **TRANSFER AUTHORITY.**—Notwithstanding any
 21 other provision of law or regulation, aircraft procured with
 22 funds appropriated by an Act making appropriations for
 23 the Department of State, foreign operations, and related
 24 programs under the headings “Diplomatic and Consular
 25 Programs”, “International Narcotics Control and Law

1 Enforcement”, “Andean Counterdrug Initiative”, and
 2 “Andean Counterdrug Programs” may be used for any
 3 other program and in any region.

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

12 (c) AIRCRAFT COORDINATION.—

13 (1) AUTHORITY.—The uses of aircraft pur-
 14 chased or leased by the Department of State and the
 15 United States Agency for International Development
 16 (USAID) with funds appropriated or otherwise made
 17 available by an Act making appropriations for the
 18 Department of State, foreign operations, and related
 19 programs shall be coordinated under the authority of
 20 the appropriate Chief of Mission: *Provided*, That
 21 such aircraft may be used to transport, on a reim-
 22 bursable or non-reimbursable basis, Federal and
 23 non-Federal personnel supporting Department of
 24 State and USAID programs and activities: *Provided*
 25 *further*, That official travel for other agencies for

1 other purposes may be supported on a reimbursable
 2 basis, or without reimbursement when traveling on a
 3 space available basis: *Provided further*, That funds
 4 received by the Department of State in connection
 5 with the use of aircraft owned, leased, or chartered
 6 by the Department of State may be credited to the
 7 Working Capital Fund of the Department and shall
 8 be available for expenses related to the purchase,
 9 lease, maintenance, chartering, or operation of such
 10 aircraft.

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

15 (d) AIRCRAFT OPERATIONS AND MAINTENANCE.—
 16 To the maximum extent practicable, the costs of oper-
 17 ations and maintenance, including fuel, of aircraft funded
 18 by an Act making appropriations for the Department of
 19 State, foreign operations, and related programs shall be
 20 borne by the recipient country.

21 **SEC. 17. PARKING FINES AND REAL PROPERTY TAXES**
 22 **OWED BY FOREIGN GOVERNMENTS.**

23 (a) IN GENERAL.—Subject to subsection (c), and for
 24 each fiscal year, of the funds appropriated pursuant to an
 25 Act making appropriations for the Department of State,

1 foreign operations, and related programs for bilateral as-
2 sistance, international security assistance, multilateral as-
3 sistance, or export and investment assistance for a foreign
4 country, an amount equal to 110 percent of the total
5 amount of the unpaid fully adjudicated parking fines and
6 penalties and unpaid property taxes owed by the central
7 government of such country shall be withheld from obliga-
8 tion for assistance for the central government of such
9 country until the Secretary of State submits a certification
10 to the Committees on Appropriations stating that such
11 parking fines and penalties and unpaid property taxes are
12 fully paid.

13 (b) AVAILABILITY OF WITHHELD FUNDS.—Funds
14 withheld from obligation pursuant to subsection (a) may
15 be made available for other programs or activities funded
16 pursuant to an Act making appropriations for the Depart-
17 ment of State, foreign operations, and related programs,
18 after consultation with, and subject to the regular notifica-
19 tion procedures of, the Committees on Appropriations,
20 provided that no such funds shall be made available for
21 assistance for the central government of such foreign
22 country that has not paid the full amount of the fully ad-
23 judicated parking fines and penalties and unpaid property
24 taxes owed by such country.

1 (c) EXCEPTION.—Subsection (a) shall not include
 2 amounts that have been withheld under any other provi-
 3 sion of law.

4 (d) NATIONAL SECURITY WAIVER.—The Secretary of
 5 State may waive the requirements set forth in subsection
 6 (a) on a country-by-country basis if the Secretary deter-
 7 mines that to do so is in the national interest of the United
 8 States.

9 (e) REPORT.—Not later than 180 days after the ini-
 10 tial exercise of the waiver authority contained in sub-
 11 section (d), the Secretary of State, after consultation with
 12 the City of New York, shall submit a report to the Com-
 13 mittees on Appropriations describing a strategy, including
 14 timetable and steps currently being taken, to collect the
 15 parking fines and penalties and unpaid property taxes and
 16 interest owed by countries receiving foreign assistance
 17 pursuant to an Act making appropriations for the Depart-
 18 ment of State, foreign operations, and related programs.

19 (f) DEFINITIONS.—In this section:

20 (1) FULLY ADJUDICATED.—The term “fully ad-
 21 judicated” includes circumstances in which the per-
 22 son to whom the vehicle is registered—

23 (A)(i) has not responded to the parking
 24 violation summons; or

1 (ii) has not followed the appropriate adju-
 2 dication procedures to challenge the summons;
 3 and

4 (B) the period of time for payment of, or
 5 challenge to, the summons has lapsed.

6 (2) PARKING FINES AND PENALTIES.—The
 7 term “parking fines and penalties” means parking
 8 fines and penalties—

9 (A) owed to—

10 (i) the District of Columbia; or

11 (ii) New York, New York; and

12 (B) incurred after April 1, 1997.

13 (3) UNPAID PROPERTY TAXES.—The term “un-
 14 paid property taxes” means the amount of unpaid
 15 taxes and interest determined to be owed by a for-
 16 eign country on real property in the District of Co-
 17 lumbia or New York, New York in a court order or
 18 judgment entered against such country by a court of
 19 the United States or any State or subdivision there-
 20 of.

21 **SEC. 18. UNITED STATES AGENCY FOR INTERNATIONAL DE-**
 22 **VELOPMENT MANAGEMENT.**

23 (a) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
 24 viduals hired and employed by USAID, with funds appro-
 25 priated or otherwise made available pursuant to an Act

1 making appropriations for the Department of State, for-
2 eign operations, and related programs, pursuant to the au-
3 thority of section 309 of the Foreign Service Act of 1980
4 (22 U.S.C. 3949), may be extended for a period of up to
5 4 years notwithstanding the limitation set forth in such
6 section.

7 (b) DISASTER SURGE CAPACITY.—Funds appro-
8 priated pursuant to an Act making appropriations for the
9 Department of State, foreign operations, and related pro-
10 grams to carry out part I of the Foreign Assistance Act
11 of 1961, including funds appropriated under the heading
12 “Assistance for Europe, Eurasia and Central Asia”, may
13 be used, in addition to funds otherwise available for such
14 purposes, for the cost (including the support costs) of indi-
15 viduals detailed to or employed by USAID whose primary
16 responsibility is to carry out programs in response to nat-
17 ural disasters, or man-made disasters subject to the reg-
18 ular notification procedures of the Committees on Appro-
19 priations.

20 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
21 propriated or otherwise made available pursuant to an Act
22 making appropriations for the Department of State, for-
23 eign operations, and related programs to carry out chap-
24 ters 1 and 10 of part I, chapter 4 of part II, and section
25 667 of the Foreign Assistance Act of 1961, and title II

1 of the Food for Peace Act (Public Law 83–480; 7 U.S.C.
2 1721 et seq.), may be used by USAID to employ up to
3 40 personal services contractors in the United States, not-
4 withstanding any other provision of law, for the purpose
5 of providing direct, interim support for new or expanded
6 overseas programs and activities managed by the agency
7 until permanent direct hire personnel are hired and
8 trained: *Provided*, That not more than 15 of such contrac-
9 tors shall be assigned to any bureau or office: *Provided*
10 *further*, That such funds appropriated to carry out title
11 II of the Food for Peace Act (Public Law 83–480; 7
12 U.S.C. 1721 et seq.), may be made available only for per-
13 sonal services contractors assigned to the Office of Food
14 for Peace.

15 (d) SMALL BUSINESS.—In entering into multiple
16 award indefinite-quantity contracts with funds appro-
17 priated by an Act making appropriations for the Depart-
18 ment of State, foreign operations, and related programs,
19 USAID may provide an exception to the fair opportunity
20 process for placing task orders under such contracts when
21 the order is placed with any category of small or small
22 disadvantaged business.

23 (e) SENIOR FOREIGN SERVICE LIMITED APPOINT-
24 MENTS.—Individuals hired pursuant to the authority pro-
25 vided by section 7059(o) of the Department of State, For-

1 eign Operations, and Related Programs Appropriations
2 Act, 2010 (division F of Public Law 111–117) may be
3 assigned to or support programs in Afghanistan or Paki-
4 stan with funds appropriated or otherwise made available
5 pursuant to an Act making appropriations for the Depart-
6 ment of State, foreign operations, and related programs.

7 **SEC. 19. INSPECTORS GENERAL.**

8 (a) PROHIBITION ON USE OF FUNDS.—None of the
9 funds appropriated by an Act making appropriations for
10 the Department of State, foreign operations, and related
11 programs may be used to deny an Inspector General fund-
12 ed under such Act timely access to any records, docu-
13 ments, or other materials available to the department or
14 agency of the United States Government over which such
15 Inspector General has responsibilities under the Inspector
16 General Act of 1978 (5 U.S.C. App.), or to prevent or
17 impede the access of such Inspector General to such
18 records, documents, or other materials, under any provi-
19 sion of law, except a provision of law that expressly refers
20 to such Inspector General and expressly limits the right
21 of access of such Inspector General.

22 (b) TIMELY ACCESS.—A department or agency of the
23 United States Government covered by this section shall
24 provide its Inspector General access to all records, docu-
25 ments, and other materials in a timely manner.

1 (c) COMPLIANCE.—Each Inspector General covered
 2 by this section shall ensure compliance with statutory limi-
 3 tations on disclosure relevant to the information provided
 4 by the department or agency over which that Inspector
 5 General has responsibilities under the Inspector General
 6 Act of 1978 (5 U.S.C. App.).

7 (d) REPORT.—Each Inspector General covered by
 8 this section shall report to the Committees on Appropria-
 9 tions within 5 calendar days of any failure by any depart-
 10 ment or agency of the United States Government to pro-
 11 vide its Inspector General access to all requested records,
 12 documents, and other materials.

13 **SEC. 20. EXTRADITION.**

14 (a) LIMITATION.—None of the funds appropriated by
 15 an Act making appropriations for the Department of
 16 State, foreign operations, and related programs may be
 17 used to provide assistance (other than funds provided
 18 under the headings “International Disaster Assistance”,
 19 “Complex Crises Fund”, “International Narcotics Control
 20 and Law Enforcement”, “Migration and Refugee Assist-
 21 ance”, “United States Emergency Refugee and Migration
 22 Assistance Fund”, and “Nonproliferation, Anti-terrorism,
 23 Demining and Related Assistance”) for the central gov-
 24 ernment of a country which has notified the Department
 25 of State of its refusal to extradite to the United States

1 any individual indicted for a criminal offense for which
2 the maximum penalty is life imprisonment without the
3 possibility of parole or for killing a law enforcement offi-
4 cer, as specified in a United States extradition request.

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

11 (c) WAIVER.—The Secretary of State may waive the
12 restriction under subsection (a) on a case-by-case basis if
13 the Secretary certifies to the appropriate congressional
14 committees that each waiver is important to the national
15 interest of the United States.

16 **SEC. 21. COMMERCIAL LEASING OF DEFENSE ARTICLES.**

17 Notwithstanding any other provision of law, and sub-
18 ject to the regular notification procedures of the Commit-
19 tees on Appropriations, the authority of section 23(a) of
20 the Arms Export Control Act may be used to provide fi-
21 nancing to Israel, Egypt, the North Atlantic Treaty Orga-
22 nization (NATO), and major non-NATO allies for the pro-
23 curement by leasing (including leasing with an option to
24 purchase) of defense articles from United States commer-
25 cial suppliers, not including Major Defense Equipment

1 (other than helicopters and other types of aircraft having
2 possible civilian application), if the President determines
3 that there are compelling foreign policy or national secu-
4 rity reasons for those defense articles being provided by
5 commercial lease rather than by government-to-govern-
6 ment sale under such Act.

7 **SEC. 22. SPECIAL DEFENSE ACQUISITION FUND.**

8 Not to exceed \$900,000,000 may be obligated in any
9 single fiscal year pursuant to section 51(c)(2) of the Arms
10 Export Control Act for the purposes of the Special De-
11 fense Acquisition Fund (the Fund), to remain available
12 for obligation until the end of the fiscal year in which it
13 was obligated: *Provided*, That the provision of defense ar-
14 ticles and defense services to foreign countries or inter-
15 national organizations from the Fund shall be subject to
16 the concurrence of the Secretary of State.

17 **SEC. 23. ENTERPRISE FUNDS.**

18 (a) NOTIFICATION.—None of the funds made avail-
19 able under pursuant to an Act making appropriations for
20 the Department of State, foreign operations, and related
21 programs for bilateral assistance, international security
22 assistance, multilateral assistance, or export and invest-
23 ment assistance may be made available for Enterprise
24 Funds unless the appropriate congressional committees
25 are notified at least 15 days in advance.

1 (b) DISTRIBUTION OF ASSETS PLAN.—Prior to the
2 distribution of any assets resulting from any liquidation,
3 dissolution, or winding up of an Enterprise Fund, in whole
4 or in part, the President shall submit to the appropriate
5 congressional committees a plan for the distribution of the
6 assets of the Enterprise Fund.

7 (c) TRANSITION OR OPERATING PLAN.—Prior to a
8 transition to and operation of any private equity fund or
9 other parallel investment fund under an existing Enter-
10 prise Fund, the President shall submit such transition or
11 operating plan to the appropriate congressional commit-
12 tees.

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