

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

(no.) _____

(title) _____

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT In the Nature of a Substitute intended to be
proposed by _____

Viz:

1 In lieu of the matter proposed to be inserted, insert

2 the following:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consolidated Appro-
5 priations Act, 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Emergency designation.
- Sec. 6. Statement of appropriations.
- Sec. 7. Federal civilian pay freeze.
- Sec. 8. Transfer authority.
- Sec. 9. Rescission of certain Federal expenses.
- Sec. 10. Limitation on award of certain specific projects.
- Sec. 11. Iran sanctions.

Sec. 12. Detainee transfer restrictions.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Food and Drug Administration and Farm Credit Administration
Title VII—General provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related agencies
Title V—General provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related agencies
Title VIII—General provisions
Title IX—Overseas contingency operations

DIVISION D—ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent agencies
Title V—General provisions

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2011

Title I—Department of the Treasury
Title II—Executive Office of the President and funds appropriated to the President
Title III—The judiciary
Title IV—District of Columbia
Title V—Independent agencies
Title VI—General provisions—This Act
Title VII—General provisions—Government-wide
Title VIII—General provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2011

Title I—Departmental management and operations
Title II—Security, enforcement, and investigations
Title III—Protection, preparedness, response, and recovery
Title IV—Research and development, training, and services
Title V—General provisions

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related agencies
Title IV—General provisions
Title V—Sacramento-San Joaquin Delta National Heritage Area
Title VI—National Women's History Museum Act of 2009
Title VII—Montana forests

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND RELATED AGENCIES APPRO-
PRIATIONS ACT, 2011

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related agencies
Title V—General provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2011

Title I—Legislative branch
Title II—General provisions

DIVISION J—MILITARY CONSTRUCTION AND VETERANS AFFAIRS,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related agencies
Title IV—Overseas contingency operations
Title V—General provisions

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS,
AND RELATED PROGRAMS APPROPRIATIONS ACT, 2011

Title I—Department of State and related agency
Title II—United States Agency for International Development
Title III—Bilateral economic assistance
Title IV—International security assistance
Title V—Multilateral assistance
Title VI—Export and investment assistance

Title VII—General provisions

DIVISION L—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related agencies

Title IV—General provisions—This Act

Title V—Extension of current surface transportation programs

Title VI—Extension of aviation programs

DIVISION M—FOOD SAFETY

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **SEC. 4. EXPLANATORY STATEMENT.**

7 The explanatory statement regarding this legislation,
8 printed in the Senate section of the Congressional Record
9 on or about December ____, 2010 by the Chairman of
10 the Committee on Appropriations of the Senate, shall have
11 the same effect with respect to the allocation of funds and
12 implementation of this Act as if it were a joint explanatory
13 statement of a committee of conference.

14 **SEC. 5. EMERGENCY DESIGNATION.**

15 Any designation in any division of this Act referring
16 to this section is a designation of an amount as an emer-
17 gency requirement and necessary to meet emergency needs
18 pursuant to sections 403(a) and 423(b) of S. Con. Res.

1207

1 tion, Army National Guard”, and “Military Construction,
2 Air National Guard”, \$128,000,000 are hereby rescinded.

3 (INCLUDING RESCISSION OF FUNDS)

4 SEC. 515. Of the unobligated balances available in
5 Title II of division E of Public Law 111–117, under the
6 heading “Departmental Administration, Information
7 Technology Systems”, for staffing and administrative pay-
8 roll, \$117,505,000 are hereby rescinded.

9 This division may be cited as the “Military Construc-
10 tion and Veterans Affairs, and Related Agencies Appro-
11 priations Act, 2011”.

12 **DIVISION K—DEPARTMENT OF STATE,**
13 **FOREIGN OPERATIONS, AND RELATED**
14 **PROGRAMS APPROPRIATIONS ACT,**
15 **2011**

16 TITLE I
17 DEPARTMENT OF STATE AND RELATED
18 AGENCY

19 DEPARTMENT OF STATE
20 ADMINISTRATION OF FOREIGN AFFAIRS
21 DIPLOMATIC AND CONSULAR PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Department of State
24 and the Foreign Service not otherwise provided for,
25 \$9,553,200,000, of which \$1,560,700,000 is for World-

1 wide Security Protection: *Provided*, That the Secretary of
2 State may transfer up to \$250,000,000 of the total funds
3 made available under this heading to any other appropria-
4 tion of any department or agency of the United States,
5 upon the concurrence of the head of such department or
6 agency, to support operations in and assistance for Af-
7 ghanistan and to carry out the provisions of the Foreign
8 Assistance Act of 1961: *Provided further*, That funds
9 made available under this heading shall be allocated as
10 follows:

11 (1) HUMAN RESOURCES.—For necessary ex-
12 penses for training, human resources management,
13 and salaries, including employment without regard
14 to civil service and classification laws of persons on
15 a temporary basis (not to exceed \$700,000), as au-
16 thorized by section 801 of the United States Infor-
17 mation and Educational Exchange Act of 1948,
18 \$2,754,289,000, to remain available until September
19 30, 2012, of which not less than \$140,728,000 shall
20 be available only for public diplomacy American sal-
21 aries, and \$249,315,000 is for Worldwide Security
22 Protection and shall remain available until expended.

23 (2) OVERSEAS PROGRAMS.—For necessary ex-
24 penses for the regional bureaus of the Department
25 of State and overseas activities as authorized by law,

1209

1 \$3,432,216,000, to remain available until September
2 30, 2012, of which not less than \$415,243,000 shall
3 be available only for public diplomacy international
4 information programs.

5 (3) DIPLOMATIC POLICY AND SUPPORT.—For
6 necessary expenses for the functional bureaus of the
7 Department of State including representation to cer-
8 tain international organizations in which the United
9 States participates pursuant to treaties ratified pur-
10 suant to the advice and consent of the Senate or
11 specific Acts of Congress, general administration,
12 and arms control, nonproliferation and disarmament
13 activities as authorized, \$884,988,000, to remain
14 available until September 30, 2012.

15 (4) SECURITY PROGRAMS.—For necessary ex-
16 penses for security activities, \$2,481,707,000, to re-
17 main available until September 30, 2012, of which
18 \$1,311,385,000 is for Worldwide Security Protection
19 and shall remain available until expended.

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

23 (A) not to exceed \$1,702,904 shall be de-
24 rived from fees collected from other executive
25 agencies for lease or use of facilities located at

1210

1 the International Center in accordance with sec-
2 tion 4 of the International Center Act, and, in
3 addition, as authorized by section 5 of such
4 Act, \$505,000, to be derived from the reserve
5 authorized by that section, to be used for the
6 purposes set out in that section;

7 (B) as authorized by section 810 of the
8 United States Information and Educational Ex-
9 change Act, not to exceed \$6,000,000, to re-
10 main available until expended, may be credited
11 to this appropriation from fees or other pay-
12 ments received from English teaching, library,
13 motion pictures, and publication programs and
14 from fees from educational advising and coun-
15 seling and exchange visitor programs; and

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

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

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

1211

1 (B) Of the amount made available under
2 this heading, not to exceed \$12,500,000 may be
3 transferred to, and merged with, funds made
4 available by this Act under the heading “Emer-
5 gencies in the Diplomatic and Consular Serv-
6 ice”, to be available only for emergency evacu-
7 ations and rewards, as authorized.

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

15 (D) Not later than 45 days after the en-
16 actment of this Act, the Secretary of State shall
17 submit to the Committees on Appropriations a
18 report detailing planned expenditures for funds
19 appropriated under this heading.

20 (7) PROPERTY INVENTORY.—Funds appro-
21 priated under this heading in this Act may not be
22 made available to the Department of State for the
23 purchase of vehicles, radios, cell phones, and other
24 nonexpendable equipment unless the Secretary of
25 State reports, in writing, to the Committees on Ap-

1212

1 propriations that the Department is taking steps to
2 improve inventory procedures, including accounting
3 for missing armored vehicles, and for the timely dis-
4 posal of excess equipment.

5 CIVILIAN STABILIZATION INITIATIVE

6 For necessary expenses to support, maintain, mobi-
7 lize, and deploy a civilian response corps in coordination
8 with the United States Agency for International Develop-
9 ment (USAID), and for related reconstruction and sta-
10 bilization assistance to prevent or respond to conflict or
11 civil strife in foreign countries or regions, or to enable
12 transition from such strife, \$35,000,000, to remain avail-
13 able until expended: *Provided*, That funds made available
14 under this heading may be made available in fiscal year
15 2011 to provide administrative expenses for the Office of
16 the Coordinator for Reconstruction and Stabilization: *Pro-*
17 *vided further*, That notwithstanding any other provision
18 of law, and following consultation with the Committees on
19 Appropriations, the President may exercise transfer au-
20 thorities contained in the Foreign Assistance Act of 1961
21 for reconstruction and stabilization assistance managed by
22 the Office of the Coordinator for Reconstruction and Sta-
23 bilization only to support an actively deployed Civilian Re-
24 sponse Corps, subject to the regular notification proce-
25 dures of the Committees on Appropriations: *Provided fur-*

1213

1 *ther*, That not later than 45 days after enactment of this
2 Act, the Secretary of State and the USAID Administrator
3 shall submit a coordinated joint spending plan for funds
4 made available under this heading and under the heading
5 “Civilian Stabilization Initiative” in title II of this Act.

6 CAPITAL INVESTMENT FUND

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

12 OFFICE OF INSPECTOR GENERAL

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

21 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

22 For expenses of educational and cultural exchange
23 programs, as authorized, \$654,200,000, to remain avail-
24 able until expended: *Provided*, That not to exceed
25 \$5,000,000, to remain available until expended, may be

1214

1 credited to this appropriation from fees or other payments
2 received from or in connection with English teaching, edu-
3 cational advising and counseling programs, and exchange
4 visitor programs as authorized.

5 REPRESENTATION ALLOWANCES

6 For representation allowances as authorized,
7 \$8,175,000.

8 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

9 For expenses, not otherwise provided, to enable the
10 Secretary of State to provide for extraordinary protective
11 services, as authorized, \$30,000,000, to remain available
12 until September 30, 2012.

13 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

14 For necessary expenses for carrying out the Foreign
15 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
16 serving, maintaining, repairing, and planning for buildings
17 that are owned or directly leased by the Department of
18 State, renovating, in addition to funds otherwise available,
19 the Harry S Truman Building, and carrying out the Dip-
20 lomatic Security Construction Program as authorized,
21 \$913,300,000, to remain available until expended as au-
22 thorized, of which not to exceed \$25,000 may be used for
23 domestic and overseas representation as authorized: *Pro-*
24 *vided*, That none of the funds appropriated in this para-
25 graph shall be available for acquisition of furniture, fur-

1215

1 nishings, or generators for other departments and agen-
2 cies.

3 In addition, for the costs of worldwide security up-
4 grades, acquisition, and construction as authorized,
5 \$925,000,000, to remain available until expended: *Pro-*
6 *vided*, That not later than 45 days after enactment of this
7 Act, the Secretary of State shall submit to the Committees
8 on Appropriations the proposed allocation of funds made
9 available under this heading and the actual and antici-
10 pated proceeds of sales for all projects in fiscal year 2011.

11 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

12 SERVICE

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses to enable the Secretary of
15 State to meet unforeseen emergencies arising in the Diplo-
16 matic and Consular Service, \$10,500,000, to remain avail-
17 able until expended as authorized, of which not to exceed
18 \$1,000,000 may be transferred to, and merged with, funds
19 appropriated by this Act under the heading “Repatriation
20 Loans Program Account”, subject to the same terms and
21 conditions.

22 REPATRIATION LOANS PROGRAM ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 For the cost of direct loans, \$739,000, as authorized:
25 *Provided*, That such costs, including the cost of modifying

1216

1 such loans, shall be as defined in section 502 of the Con-
2 gressional Budget Act of 1974.

3 In addition, for administrative expenses necessary to
4 carry out the direct loan program, \$711,000, which may
5 be transferred to, and merged with, funds made available
6 under the heading “Diplomatic and Consular Programs”.

7 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

8 For necessary expenses to carry out the Taiwan Rela-
9 tions Act (Public Law 96–8), \$21,420,000.

10 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND

11 DISABILITY FUND

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

14 INTERNATIONAL ORGANIZATIONS

15 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

16 For necessary expenses, not otherwise provided for,
17 to meet annual obligations of membership in international
18 multilateral organizations, pursuant to treaties ratified
19 pursuant to the advice and consent of the Senate, conven-
20 tions or specific Acts of Congress, \$1,545,430,000: *Pro-*
21 *vided*, That the Secretary of State shall, at the time of
22 the submission of the President’s budget to Congress
23 under section 1105(a) of title 31, United States Code,
24 transmit to the Committees on Appropriations the most
25 recent biennial budget prepared by the United Nations for

1217

1 the operations of the United Nations: *Provided further,*
2 That the Secretary of State shall notify the Committees
3 on Appropriations at least 15 days in advance (or in an
4 emergency, as far in advance as is practicable) of any
5 United Nations action to increase funding for any United
6 Nations program without identifying an offsetting de-
7 crease elsewhere in the United Nations budget: *Provided*
8 *further,* That notwithstanding any other provision of law,
9 credits to United States assessed contributions to the
10 United Nations Tax Equalization Fund should be used to
11 offset other assessed contributions to the United Nations,
12 subject to the regular notification procedures of the Com-
13 mittees on Appropriations: *Provided further,* That any
14 payment of arrearages under this heading shall be directed
15 toward activities that are mutually agreed upon by the
16 United States and the respective international organiza-
17 tion: *Provided further,* That none of the funds appro-
18 priated under this heading shall be available for a United
19 States contribution to an international organization for
20 the United States share of interest costs made known to
21 the United States Government by such organization for
22 loans incurred on or after October 1, 1984, through exter-
23 nal borrowings: *Provided further,* That the reporting re-
24 quirement in section 7052 of division F of Public Law

1218

1 111–117 shall continue to be in effect until September 30,
2 2011.

3 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
4 ACTIVITIES

5 For necessary expenses to pay assessed and other ex-
6 penses of international peacekeeping activities directed to
7 the maintenance or restoration of international peace and
8 security, \$2,096,382,000, of which 15 percent shall re-
9 main available until September 30, 2012: *Provided*, That
10 at least 15 days in advance of voting for a new or ex-
11 panded mission in the United Nations Security Council
12 (or in an emergency as far in advance as is practicable):
13 (1) the Committees on Appropriations shall be notified of
14 the estimated cost and length of the mission, the national
15 interest that will be served, the planned exit strategy, and
16 that the United Nations has taken appropriate measures
17 to prevent United Nations employees, contractor per-
18 sonnel, and peacekeeping forces serving in the mission
19 from trafficking in persons, exploiting victims of traf-
20 ficking, or committing acts of illegal sexual exploitation,
21 and to hold accountable individuals who engage in such
22 acts while participating in the peacekeeping mission, in-
23 cluding the prosecution in their home countries of such
24 individuals in connection with such acts; and (2) notifica-
25 tion pursuant to section 7015 of this Act is submitted,

1219

1 and the procedures therein followed, setting forth the
2 source of funds that will be used to pay for the cost of
3 the new or expanded mission: *Provided further*, That funds
4 shall be available for peacekeeping expenses unless the
5 Secretary of State determines that American manufactur-
6 ers and suppliers are not being given opportunities to pro-
7 vide equipment, services, and material for United Nations
8 peacekeeping activities equal to those being given to for-
9 eign manufacturers and suppliers: *Provided further*, That
10 the Secretary of State should work with the United Na-
11 tions and governments contributing peacekeeping troops
12 to develop effective vetting procedures to ensure that
13 troops have not been credibly alleged to have violated
14 human rights: *Provided further*, That notwithstanding any
15 other provision of law, credits to United States assessed
16 contributions to the United Nations Tax Equalization
17 Fund should be used to offset other assessed contributions
18 to the United Nations, subject to the regular notification
19 procedures of the Committees on Appropriations.

20 INTERNATIONAL COMMISSIONS

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

1220

1 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
2 UNITED STATES AND MEXICO

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

8 SALARIES AND EXPENSES

9 For salaries and expenses, not otherwise provided for,
10 \$47,431,000.

11 CONSTRUCTION

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

15 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

16 For necessary expenses, not otherwise provided, for
17 the International Joint Commission and the International
18 Boundary Commission, United States and Canada, as au-
19 thorized by treaties between the United States and Can-
20 ada or Great Britain, and the Border Environment Co-
21 operation Commission as authorized by Public Law 103-
22 182, \$12,655,000: *Provided*, That of the amount provided
23 under this heading for the International Joint Commis-
24 sion, \$9,000 may be made available for representation ex-
25 penses.

1221

1 INTERNATIONAL FISHERIES COMMISSIONS

2 For necessary expenses for international fisheries
3 commissions, not otherwise provided for, as authorized by
4 law, \$51,000,000, of which \$500,000 shall remain avail-
5 able until September 30, 2012: *Provided*, That the United
6 States share of such expenses may be advanced to the re-
7 spective commissions pursuant to 31 U.S.C. 3324: *Pro-*
8 *vided further*, That in addition to other funds available for
9 such purposes, funds available under this heading may be
10 used to make payments necessary to fulfill the United
11 States' obligations under the Pacific Salmon Treaty.

12 RELATED AGENCY

13 BROADCASTING BOARD OF GOVERNORS

14 INTERNATIONAL BROADCASTING OPERATIONS

15 For necessary expenses to enable the Broadcasting
16 Board of Governors (BBG), as authorized, to carry out
17 international communication activities, including the pur-
18 chase, rent, construction, and improvement of facilities for
19 radio and television transmission and reception and pur-
20 chase, lease, and installation of necessary equipment for
21 radio and television transmission and reception to Cuba,
22 and to make and supervise grants for radio and television
23 broadcasting to the Middle East, \$744,500,000: *Provided*,
24 That of the total amount in this heading, not to exceed
25 \$16,000 may be used for official receptions within the

1222

1 United States as authorized, not to exceed \$35,000 may
2 be used for representation abroad as authorized, and not
3 to exceed \$39,000 may be used for official reception and
4 representation expenses of Radio Free Europe/Radio Lib-
5 erty: *Provided further*, That the authority provided by sec-
6 tion 504(c) of the Foreign Relations Authorization Act,
7 Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206
8 note) shall remain in effect through September 30, 2011:
9 *Provided further*, That the BBG shall notify the Commit-
10 tees on Appropriations within 15 days of any determina-
11 tion by the Board that any of its broadcast entities, in-
12 cluding its grantee organizations, provides an open plat-
13 form for international terrorists or those who support
14 international terrorism, or is in violation of the principles
15 and standards set forth in the United States International
16 Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b))
17 or the entity’s journalistic code of ethics: *Provided further*,
18 That reductions and increases to BBG broadcast hours
19 previously justified to Congress, including changes to
20 transmission platforms (shortwave, medium wave, sat-
21 ellite, and television), for all BBG language services shall
22 be subject to the regular notification procedures of the
23 Committees on Appropriations: *Provided further*, That in
24 addition to funds made available under this heading, and
25 notwithstanding any other provision of law, up to

1223

1 \$2,000,000 in receipts from advertising and revenue from
2 business ventures, up to \$500,000 in receipts from cooper-
3 ating international organizations, and up to \$1,000,000
4 in receipts from privatization efforts of the Voice of Amer-
5 ica and the International Broadcasting Bureau, to remain
6 available until expended for carrying out authorized pur-
7 poses.

8 BROADCASTING CAPITAL IMPROVEMENTS

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

15 RELATED PROGRAMS

16 THE ASIA FOUNDATION

17 For a grant to The Asia Foundation, as authorized
18 by The Asia Foundation Act (22 U.S.C. 4402),
19 \$19,000,000, to remain available until expended, as au-
20 thorized.

21 UNITED STATES INSTITUTE OF PEACE

22 For necessary expenses of the United States Institute
23 of Peace, as authorized by the United States Institute of
24 Peace Act, \$44,050,000, to remain available until Sep-

1224

1 tember 30, 2012, which shall not be used for construction
2 activities.

3 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

4 TRUST FUND

5 For necessary expenses of the Center for Middle
6 Eastern-Western Dialogue Trust Fund, the total amount
7 of the interest and earnings accruing to such Fund on or
8 before September 30, 2011, to remain available until ex-
9 pended.

10 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

11 For necessary expenses of Eisenhower Exchange Fel-
12 lowships, Incorporated, as authorized by sections 4 and
13 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
14 U.S.C. 5204–5205), all interest and earnings accruing to
15 the Eisenhower Exchange Fellowship Program Trust
16 Fund on or before September 30, 2011, to remain avail-
17 able until expended: *Provided*, That none of the funds ap-
18 propriated herein shall be used to pay any salary or other
19 compensation, or to enter into any contract providing for
20 the payment thereof, in excess of the rate authorized by
21 5 U.S.C. 5376; or for purposes which are not in accord-
22 ance with OMB Circulars A–110 (Uniform Administrative
23 Requirements) and A–122 (Cost Principles for Non-profit
24 Organizations), including the restrictions on compensation
25 for personal services.

1225

1 ISRAELI ARAB SCHOLARSHIP PROGRAM

2 For necessary expenses of the Israeli Arab Scholar-
3 ship Program, as authorized by section 214 of the Foreign
4 Relations Authorization Act, Fiscal Years 1992 and 1993
5 (22 U.S.C. 2452), all interest and earnings accruing to
6 the Israeli Arab Scholarship Fund on or before September
7 30, 2011, to remain available until expended.

8 EAST-WEST CENTER

9 To enable the Secretary of State to provide for car-
10 rying out the provisions of the Center for Cultural and
11 Technical Interchange Between East and West Act of
12 1960, by grant to the Center for Cultural and Technical
13 Interchange Between East and West in the State of Ha-
14 waii, \$23,100,000: *Provided*, That none of the funds ap-
15 propriated herein shall be used to pay any salary, or enter
16 into any contract providing for the payment thereof, in
17 excess of the rate authorized by 5 U.S.C. 5376.

18 NATIONAL ENDOWMENT FOR DEMOCRACY

19 For grants made by the Department of State to the
20 National Endowment for Democracy, as authorized by the
21 National Endowment for Democracy Act, \$118,000,000,
22 to remain available until expended, of which \$100,000,000
23 shall be allocated in the traditional and customary man-
24 ner, including for the core institutes, and \$18,000,000
25 shall be for democracy, human rights, and rule of law pro-

1226

1 grams: *Provided*, That the President of the National En-
2 dowment for Democracy shall submit to the Committees
3 on Appropriations not later than 45 days after the date
4 of enactment of this Act a report on the proposed uses
5 of funds under this heading on a regional and country
6 basis.

7 In addition, for grants made by the Department of
8 State to the National Endowment for Democracy, as au-
9 thorized by the National Endowment for Democracy Act,
10 \$10,500,000 for small grants for democracy programs in
11 Egypt, Pakistan, Cuba, North Korea, and the Democratic
12 Republic of the Congo.

13 OTHER COMMISSIONS

14 COMMISSION FOR THE PRESERVATION OF AMERICA'S

15 HERITAGE ABROAD

16 SALARIES AND EXPENSES

17 For necessary expenses for the Commission for the
18 Preservation of America's Heritage Abroad, \$647,000, as
19 authorized by section 1303 of Public Law 99-83.

20 UNITED STATES COMMISSION ON INTERNATIONAL

21 RELIGIOUS FREEDOM

22 SALARIES AND EXPENSES

23 For necessary expenses for the United States Com-
24 mission on International Religious Freedom, as authorized
25 by title II of the International Religious Freedom Act of

1227

1 1998 (Public Law 105–292), \$4,350,000, to remain avail-
2 able until September 30, 2012: *Provided*, That notwith-
3 standing the expenditure limitation specified in section
4 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Com-
5 mission may expend up to \$250,000 of the funds made
6 available under this heading to procure temporary and
7 intermittent services under the authority of section
8 3109(b) of title 5, United States Code.

9 COMMISSION ON SECURITY AND COOPERATION IN

10 EUROPE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Commission on Secu-
13 rity and Cooperation in Europe, as authorized by Public
14 Law 94–304, \$2,715,000, to remain available until Sep-
15 tember 30, 2012.

16 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE

17 PEOPLE’S REPUBLIC OF CHINA

18 SALARIES AND EXPENSES

19 For necessary expenses of the Congressional-Execu-
20 tive Commission on the People’s Republic of China, as au-
21 thorized, \$2,000,000, including not more than \$3,000 for
22 the purpose of official representation, to remain available
23 until September 30, 2012.

1228

1 UNITED STATES-CHINA ECONOMIC AND SECURITY
2 REVIEW COMMISSION
3 SALARIES AND EXPENSES

4 For necessary expenses of the United States-China
5 Economic and Security Review Commission, \$3,625,000,
6 including not more than \$4,000 for the purpose of official
7 representation, to remain available until September 30,
8 2012: *Provided*, That the second through sixth provisos
9 under this heading in division F of Public Law 111–117
10 shall continue in effect during fiscal year 2011 and shall
11 apply as if part of this Act.

12 TITLE II
13 UNITED STATES AGENCY FOR INTERNATIONAL
14 DEVELOPMENT
15 FUNDS APPROPRIATED TO THE PRESIDENT
16 OPERATING EXPENSES
17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of section 667 of the Foreign Assistance Act of 1961,
20 \$1,392,000,000, of which up to \$160,000,000 may remain
21 available until September 30, 2012: *Provided*, That none
22 of the funds appropriated under this heading and under
23 the heading “Capital Investment Fund” in this title may
24 be made available to finance the construction (including
25 architect and engineering services), purchase, or long-term

1229

1 lease of offices for use by the United States Agency for
2 International Development (USAID), unless the USAID
3 Administrator has identified such proposed construction
4 (including architect and engineering services), purchase,
5 or long-term lease of offices in a report submitted to the
6 Committees on Appropriations at least 15 days prior to
7 the obligation of funds for such purposes: *Provided fur-*
8 *ther*, That the previous proviso shall not apply when the
9 total cost of construction (including architect and engi-
10 neering services), purchase, or long-term lease of offices
11 does not exceed \$1,000,000: *Provided further*, That of the
12 funds appropriated under this heading that are available
13 for capital investments related to the Development Lead-
14 ership Initiative, up to \$37,457,000 may remain available
15 until September 30, 2014: *Provided further*, That con-
16 tracts or agreements entered into with funds appropriated
17 under this heading may entail commitments for the ex-
18 penditure of such funds through the following fiscal year:
19 *Provided further*, That any decision to open a new USAID
20 mission or office or, except where there is a substantial
21 security risk to mission personnel, to close or significantly
22 reduce the number of personnel of any such mission or
23 office, shall be subject to the regular notification proce-
24 dures of the Committees on Appropriations: *Provided fur-*
25 *ther*, That the authority of sections 610 and 109 of the

1230

1 Foreign Assistance Act of 1961 may be exercised by the
2 Secretary of State to transfer funds appropriated to carry
3 out chapter 1 of part I of such Act to “Operating Ex-
4 penses” in accordance with the provisions of those sec-
5 tions: *Provided further*, That of the funds appropriated or
6 made available under this heading, not to exceed \$250,000
7 may be available for representation and entertainment al-
8 lowances, of which not to exceed \$5,000 may be available
9 for entertainment allowances, for USAID during the cur-
10 rent fiscal year: *Provided further*, That no such entertain-
11 ment funds may be used for the purposes listed in section
12 7020 of this Act: *Provided further*, That appropriate steps
13 shall be taken to assure that, to the maximum extent pos-
14 sible, United States-owned foreign currencies are utilized
15 in lieu of dollars: *Provided further*, That not later than
16 45 days after enactment of this Act, the USAID Adminis-
17 trator shall submit to the Committees on Appropriations
18 a report detailing planned expenditures for funds appro-
19 priated under this heading.

20 CIVILIAN STABILIZATION INITIATIVE

21 For necessary expenses to carry out section 667 of
22 the Foreign Assistance Act of 1961 for the United States
23 Agency for International Development (USAID) to sup-
24 port, maintain, mobilize, and deploy a Civilian Response
25 Corps in coordination with the Department of State, and

1231

1 for related reconstruction and stabilization assistance to
2 prevent or respond to conflict or civil strife in foreign
3 countries or regions, or to enable transition from such
4 strife, \$15,000,000, to remain available until September
5 30, 2012: *Provided*, That not later than 45 days after en-
6 actment of this Act, the Secretary of State and the
7 USAID Administrator shall submit a coordinated joint
8 spending plan for funds made available under this heading
9 and under the heading “Civilian Stabilization Initiative”
10 in title I of this Act.

11 CAPITAL INVESTMENT FUND

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

1232

1 OFFICE OF INSPECTOR GENERAL

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

8 TITLE III

9 BILATERAL ECONOMIC ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

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

16 GLOBAL HEALTH AND CHILD SURVIVAL

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of chapters 1 and 10 of part I of the Foreign Assistance
20 Act of 1961, for global health activities, in addition to
21 funds otherwise available for such purposes,
22 \$2,722,000,000, which shall be apportioned directly to the
23 United States Agency for International Development
24 (USAID): *Provided*, That this amount shall be avail-
25 able for training, equipment, and technical assistance to

1233

1 build the capacity of public health institutions and organi-
2 zations in developing countries, and for such activities as:
3 (1) child survival and maternal health programs; (2) im-
4 munization and oral rehydration programs; (3) other
5 health, nutrition, water and sanitation programs which di-
6 rectly address the needs of mothers and children, and re-
7 lated education programs; (4) assistance for children dis-
8 placed or orphaned by causes other than AIDS; (5) pro-
9 grams for the prevention, treatment, control of, and re-
10 search on HIV/AIDS, tuberculosis, polio, malaria, and
11 other infectious diseases including neglected tropical dis-
12 eases, and for assistance to communities severely affected
13 by HIV/AIDS, including children infected or affected by
14 AIDS; and (6) family planning/reproductive health: *Pro-*
15 *vided further*, That none of the funds appropriated under
16 this paragraph may be made available for nonproject as-
17 sistance, except that funds may be made available for such
18 assistance for ongoing health activities: *Provided further*,
19 That funds appropriated under this paragraph shall be
20 made available for a United States contribution to the
21 GAVI Alliance: *Provided further*, That none of the funds
22 made available in this Act nor any unobligated balances
23 from prior appropriations Acts may be made available to
24 any organization or program which, as determined by the
25 President of the United States, supports or participates

1234

1 in the management of a program of coercive abortion or
2 involuntary sterilization: *Provided further*, That any deter-
3 mination made under the previous proviso must be accom-
4 panied by the evidence and criteria utilized to make the
5 determination: *Provided further*, That none of the funds
6 made available under this Act may be used to pay for the
7 performance of abortion as a method of family planning
8 or to motivate or coerce any person to practice abortions:
9 *Provided further*, That nothing in this paragraph shall be
10 construed to alter any existing statutory prohibitions
11 against abortion under section 104 of the Foreign Assist-
12 ance Act of 1961: *Provided further*, That none of the funds
13 made available under this Act may be used to lobby for
14 or against abortion: *Provided further*, That in order to re-
15 duce reliance on abortion in developing nations, funds
16 shall be available only to voluntary family planning
17 projects which offer, either directly or through referral to,
18 or information about access to, a broad range of family
19 planning methods and services, and that any such vol-
20 untary family planning project shall meet the following re-
21 quirements: (1) service providers or referral agents in the
22 project shall not implement or be subject to quotas, or
23 other numerical targets, of total number of births, number
24 of family planning acceptors, or acceptors of a particular
25 method of family planning (this provision shall not be con-

1235

1 strued to include the use of quantitative estimates or indi-
2 cators for budgeting and planning purposes); (2) the
3 project shall not include payment of incentives, bribes,
4 gratuities, or financial reward to: (A) an individual in ex-
5 change for becoming a family planning acceptor; or (B)
6 program personnel for achieving a numerical target or
7 quota of total number of births, number of family planning
8 acceptors, or acceptors of a particular method of family
9 planning; (3) the project shall not deny any right or ben-
10 efit, including the right of access to participate in any pro-
11 gram of general welfare or the right of access to health
12 care, as a consequence of any individual's decision not to
13 accept family planning services; (4) the project shall pro-
14 vide family planning acceptors comprehensible information
15 on the health benefits and risks of the method chosen, in-
16 cluding those conditions that might render the use of the
17 method inadvisable and those adverse side effects known
18 to be consequent to the use of the method; and (5) the
19 project shall ensure that experimental contraceptive drugs
20 and devices and medical procedures are provided only in
21 the context of a scientific study in which participants are
22 advised of potential risks and benefits; and, not less than
23 60 days after the date on which the USAID Administrator
24 determines that there has been a violation of the require-
25 ments contained in paragraph (1), (2), (3), or (5) of this

1236

1 proviso, or a pattern or practice of violations of the re-
2 quirements contained in paragraph (4) of this proviso, the
3 Administrator shall submit to the Committees on Appro-
4 priations a report containing a description of such viola-
5 tion and the corrective action taken by the Agency: *Pro-*
6 *vided further*, That in awarding grants for natural family
7 planning under section 104 of the Foreign Assistance Act
8 of 1961 no applicant shall be discriminated against be-
9 cause of such applicant's religious or conscientious com-
10 mitment to offer only natural family planning; and, addi-
11 tionally, all such applicants shall comply with the require-
12 ments of the previous proviso: *Provided further*, That for
13 purposes of this or any other Act authorizing or appro-
14 priating funds for the Department of State, foreign oper-
15 ations, and related programs, the term "motivate", as it
16 relates to family planning assistance, shall not be con-
17 strued to prohibit the provision, consistent with local law,
18 of information or counseling about all pregnancy options:
19 *Provided further*, That information provided about the use
20 of condoms as part of projects or activities that are funded
21 from amounts appropriated by this Act shall be medically
22 accurate and shall include the public health benefits and
23 failure rates of such use.

24 In addition, for necessary expenses to carry out the
25 provisions of the Foreign Assistance Act of 1961 for the

1237

1 prevention, treatment, and control of, and research on,
2 HIV/AIDS, \$5,500,000,000, to remain available until
3 September 30, 2013, which shall be apportioned directly
4 to the Department of State: *Provided*, That of the funds
5 appropriated under this paragraph, not less than
6 \$825,000,000 shall be made available, notwithstanding
7 any other provision of law, except for the United States
8 Leadership Against HIV/AIDS, Tuberculosis and Malaria
9 Act of 2003 (Public Law 108–25), as amended, for a
10 United States contribution to the Global Fund to Fight
11 AIDS, Tuberculosis and Malaria (Global Fund), and shall
12 be expended at the minimum rate necessary to make time-
13 ly payment for projects and activities: *Provided further*,
14 That up to 5 percent of the aggregate amount of funds
15 made available to the Global Fund in fiscal year 2011 may
16 be made available to USAID for technical assistance re-
17 lated to the activities of the Global Fund: *Provided further*,
18 That of the funds appropriated under this paragraph, up
19 to \$14,250,000 may be made available, in addition to
20 amounts otherwise available for such purposes, for admin-
21 istrative expenses of the Office of the United States Global
22 AIDS Coordinator: *Provided further*, That funds appro-
23 priated for HIV/AIDS programs and activities under this
24 paragraph in this Act and in prior acts making appropria-
25 tions for the Department of State, foreign operations, and

1 related programs shall be subject to the regular notifica-
2 tion procedures of the Committees on Appropriations, in-
3 cluding reprogramming requirements contained in sections
4 7015 and 7019 of this Act.

5 DEVELOPMENT ASSISTANCE

6 For necessary expenses to carry out the provisions
7 of sections 103, 105, 106, 214, and sections 251 through
8 255, and chapter 10 of part I of the Foreign Assistance
9 Act of 1961, \$2,767,700,000: *Provided*, That relevant bu-
10 reaus and offices of the United States Agency for Inter-
11 national Development (USAID) that support cross-cutting
12 development programs shall coordinate such programs on
13 a regular basis: *Provided further*, That funds appropriated
14 by this Act shall be made available for water and sanita-
15 tion supply projects pursuant to the Paul Simon Water
16 for the Poor Act of 2005 (Public Law 109–121): *Provided*
17 *further*, That funds appropriated by this Act for food secu-
18 rity and agricultural development programs may be made
19 available notwithstanding any other provision of law and
20 shall be made available for a United States contribution
21 to the endowment of the Global Crop Diversity Trust pur-
22 suant to section 3202 of Public Law 110–246: *Provided*
23 *further*, That the USAID Administrator should provide
24 grants and cooperative agreements for private voluntary
25 organizations and cooperatives to carry out agriculture,

1239

1 rural development and related programs authorized under
2 the Foreign Assistance Act of 1961: *Provided further*,
3 That of the funds appropriated in this Act for food secu-
4 rity and agricultural development programs, up to
5 \$100,000,000 may be made available for payment by the
6 Secretary of the Treasury for a United States contribution
7 to a global food security fund: *Provided further*, That
8 funds appropriated under this heading shall be made avail-
9 able for programs to improve women's leadership capacity
10 in recipient countries.

11 INTERNATIONAL DISASTER ASSISTANCE

12 For necessary expenses to carry out the provisions
13 of section 491 of the Foreign Assistance Act of 1961 for
14 international disaster relief, rehabilitation, and recon-
15 struction assistance, \$851,000,000, to remain available
16 until expended.

17 TRANSITION INITIATIVES

18 For necessary expenses for international disaster re-
19 habilitation and reconstruction assistance pursuant to sec-
20 tion 491 of the Foreign Assistance Act of 1961,
21 \$55,000,000, to remain available until expended, to sup-
22 port transition to democracy and to long-term develop-
23 ment of countries in crisis: *Provided*, That such support
24 may include assistance to develop, strengthen, or preserve
25 democratic institutions and processes, revitalize basic in-

1 frastructure, and foster the peaceful resolution of conflict:
2 *Provided further*, That the United States Agency for Inter-
3 national Development shall submit a report to the Com-
4 mittees on Appropriations at least 5 days prior to begin-
5 ning a new program of assistance: *Provided further*, That
6 if the Secretary of State determines that it is important
7 to the national interests of the United States to provide
8 transition assistance in excess of the amount appropriated
9 under this heading, up to \$15,000,000 of the funds appro-
10 priated by this Act to carry out the provisions of part I
11 of the Foreign Assistance Act of 1961 may be used for
12 purposes of this heading and under the authorities appli-
13 cable to funds appropriated under this heading: *Provided*
14 *further*, That funds made available pursuant to the pre-
15 vious proviso shall be made available subject to prior con-
16 sultation with the Committees on Appropriations.

17 COMPLEX CRISES FUND

18 For necessary expenses to carry out the provisions
19 of the Foreign Assistance Act of 1961 to enable the Ad-
20 ministrator of the United States Agency for International
21 Development (USAID), with the concurrence of the Sec-
22 retary of State, to support programs and activities to pre-
23 vent or respond to emerging or unforeseen complex crises
24 overseas, \$55,000,000, to remain available until expended:
25 *Provided*, That the administrative authorities of the For-

1 eign Assistance Act of 1961 shall be applicable to the
2 funds appropriated under the heading: *Provided further*,
3 That funds appropriated under this heading may be made
4 available on such terms and conditions as the USAID Ad-
5 ministrator may determine, in consultation with the Com-
6 mittees on Appropriations, for the purposes of preventing
7 or responding to such crises, except that no funds shall
8 be made available to respond to natural disasters: *Pro-*
9 *vided further*, That funds appropriated under this heading
10 shall be made available notwithstanding section 10 of Pub-
11 lic Law 91–672 and section 15 of the State Department
12 Basic Authorities Act of 1956: *Provided further*, That
13 funds appropriated under this heading may be made avail-
14 able notwithstanding any other provision of law, except
15 sections 7007, 7008, and 7018 of this Act and section
16 620M of the Foreign Assistance Act of 1961, as amended
17 by this Act: *Provided further*, That funds appropriated
18 under this heading shall be subject to the regular notifica-
19 tion procedures of the Committees on Appropriations, ex-
20 cept that such notifications shall be transmitted at least
21 5 days in advance of the obligation of funds: *Provided fur-*
22 *ther*, That the provisions of section 7015(e) of this Act
23 shall apply to funds made available under this heading.

1242

1 DEVELOPMENT CREDIT AUTHORITY
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-
4 vided by the United States Agency for International De-
5 velopment (USAID), as authorized by sections 256 and
6 635 of the Foreign Assistance Act of 1961, up to
7 \$35,000,000 may be derived by transfer from funds ap-
8 propriated by this Act to carry out part I of such Act and
9 under the heading “Assistance for Europe, Eurasia and
10 Central Asia”: *Provided*, That funds provided under this
11 paragraph and funds provided as a gift pursuant to sec-
12 tion 635(d) of the Foreign Assistance Act of 1961 shall
13 be made available only for micro and small enterprise pro-
14 grams, urban programs, and other programs which fur-
15 ther the purposes of part I of such Act: *Provided further*,
16 That such costs, including the cost of modifying such di-
17 rect and guaranteed loans, shall be as defined in section
18 502 of the Congressional Budget Act of 1974, as amend-
19 ed: *Provided further*, That funds made available by this
20 paragraph may be used for the cost of modifying any such
21 guaranteed loans under this Act or prior Acts, and funds
22 used for such costs shall be subject to the regular notifica-
23 tion procedures of the Committees on Appropriations: *Pro-*
24 *vided further*, That the provisions of section 107A(d) (re-
25 lating to general provisions applicable to the Development

1243

1 Credit Authority) of the Foreign Assistance Act of 1961,
2 as contained in section 306 of H.R. 1486 as reported by
3 the House Committee on International Relations on May
4 9, 1997, shall be applicable to direct loans and loan guar-
5 antees provided under this heading: *Provided further*, That
6 these funds are available to subsidize total loan principal,
7 any portion of which is to be guaranteed, of up to
8 \$1,000,000,000.

9 In addition, for administrative expenses to carry out
10 credit programs administered by USAID, \$8,300,000,
11 which may be transferred to, and merged with, funds
12 made available under the heading “Operating Expenses”
13 in title II of this Act: *Provided*, That funds made available
14 under this heading shall remain available until September
15 30, 2013.

16 ECONOMIC SUPPORT FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of chapter 4 of part II of the Foreign Assistance Act of
20 1961, \$6,787,589,000: *Provided*, That of the funds appro-
21 priated under this heading, \$250,000,000 shall be avail-
22 able for assistance for Egypt, of which not less than
23 \$20,000,000 shall be made available for democracy,
24 human rights and governance programs, and not less than
25 \$35,000,000 shall be made available for education pro-

1244

1 grams, of which not less than \$10,000,000 is for scholar-
2 ships for Egyptian students with high financial need: *Pro-*
3 *vided further*, That of the funds appropriated under this
4 heading, not more than \$400,400,000 may be made avail-
5 able for assistance for the West Bank and Gaza, except
6 that up to an additional \$9,300,000 may be made avail-
7 able for such assistance from funds appropriated for the
8 Middle East Partnership Initiative: *Provided further*, That
9 not more than \$200,000,000 of the funds provided for the
10 West Bank and Gaza shall be for cash transfer assistance:
11 *Provided further*, That funds appropriated under this
12 heading that are made available for assistance for Cyprus
13 shall be used only for scholarships, administrative support
14 of the scholarship program, bicommunal projects, and
15 measures aimed at reunification of the island and designed
16 to reduce tensions and promote peace and cooperation be-
17 tween the two communities on Cyprus: *Provided further*,
18 That \$12,000,000 of the funds made available for assist-
19 ance for Lebanon under this heading shall be for scholar-
20 ships for students in Lebanon with high financial need:
21 *Provided further*, That of the funds appropriated under
22 this heading, not less than \$360,000,000 shall be made
23 available for assistance for Jordan: *Provided further*, That
24 of the funds appropriated under this heading,
25 \$195,000,000 shall be apportioned directly to the United

1245

1 States Agency for International Development for alter-
2 native development/institution building programs in Co-
3 lombia: *Provided further*, That of the funds appropriated
4 under this heading that are available for assistance for
5 Colombia, not less than \$8,000,000 shall be transferred
6 to, and merged with, funds appropriated under the head-
7 ing “Migration and Refugee Assistance” and shall be
8 made available only for assistance to nongovernmental and
9 international organizations that provide assistance to Co-
10 lombian refugees in neighboring countries.

11 DEMOCRACY FUND

12 For necessary expenses to carry out the provisions
13 of the Foreign Assistance Act of 1961 for the promotion
14 of democracy globally, \$115,000,000, of which
15 \$68,500,000 shall be made available for the Human
16 Rights and Democracy Fund of the Bureau of Democracy,
17 Human Rights and Labor, Department of State, and
18 \$46,500,000 shall be made available for the Office of De-
19 mocracy and Governance of the Bureau for Democracy,
20 Conflict, and Humanitarian Assistance, United States
21 Agency for International Development.

22 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

23 For necessary expenses to carry out the provisions
24 of the Foreign Assistance Act of 1961, the FREEDOM
25 Support Act, and the Support for East European Democ-

1246

1 racy (SEED) Act of 1989, \$709,000,000, to remain avail-
2 able until September 30, 2012, which shall be available,
3 notwithstanding any other provision of law, for assistance
4 and for related programs for countries identified in section
5 3 of the FREEDOM Support Act and section 3(c) of the
6 SEED Act: *Provided*, That funds appropriated under this
7 heading shall be considered to be economic assistance
8 under the Foreign Assistance Act of 1961 for purposes
9 of making available the administrative authorities con-
10 tained in that Act for the use of economic assistance: *Pro-*
11 *vided further*, That notwithstanding any provision of this
12 or any other Act, funds appropriated in prior years under
13 the headings “Independent States of the Former Soviet
14 Union” and similar headings and “Assistance for Eastern
15 Europe and the Baltic States” and similar headings, and
16 currencies generated by or converted from such funds,
17 shall be available for use in any country for which funds
18 are made available under this heading without regard to
19 the geographic limitations of the heading under which
20 such funds were originally appropriated: *Provided further*,
21 That funds made available for the Southern Caucasus re-
22 gion may be used for confidence-building measures and
23 other activities in furtherance of the peaceful resolution
24 of conflicts, including in Nagorno-Karabakh.

1247

1 DEPARTMENT OF STATE

2 MIGRATION AND REFUGEE ASSISTANCE

3 For necessary expenses, not otherwise provided for,
4 to enable the Secretary of State to provide, as authorized
5 by law, a contribution to the International Committee of
6 the Red Cross, assistance to refugees, including contribu-
7 tions to the International Organization for Migration and
8 the United Nations High Commissioner for Refugees, and
9 other activities to meet refugee and migration needs; sala-
10 ries and expenses of personnel and dependents as author-
11 ized by the Foreign Service Act of 1980; allowances as
12 authorized by sections 5921 through 5925 of title 5,
13 United States Code; purchase and hire of passenger motor
14 vehicles; and services as authorized by section 3109 of title
15 5, United States Code, \$1,685,000,000, to remain avail-
16 able until expended, of which not less than \$25,000,000
17 shall be made available for refugees resettling in Israel,
18 and not less than \$35,000,000 shall be made available to
19 respond to small-scale emergency humanitarian require-
20 ments of international and nongovernmental partners.

21 UNITED STATES EMERGENCY REFUGEE AND MIGRATION

22 ASSISTANCE FUND

23 For necessary expenses to carry out the provisions
24 of section 2(c) of the Migration and Refugee Assistance
25 Act of 1962, as amended (22 U.S.C. 2601(c)),

1248

1 \$45,000,000, to remain available until expended: *Pro-*
2 *vided*, That section 2(c) of the Migration and Refugee As-
3 sistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended
4 in paragraph (1) by striking “President” and inserting
5 “Secretary of State” and in paragraph (2) by striking
6 “\$100,000,000” and inserting “\$200,000,000”.

7 INDEPENDENT AGENCIES

8 PEACE CORPS

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out the provisions
11 of the Peace Corps Act (22 U.S.C. 2501–2523), including
12 the purchase of not to exceed five passenger motor vehicles
13 for administrative purposes for use outside of the United
14 States, \$425,000,000, to remain available until September
15 30, 2012: *Provided*, That the Director of the Peace Corps
16 may transfer to the Foreign Currency Fluctuations Ac-
17 count, as authorized by 22 U.S.C. 2515, an amount not
18 to exceed \$5,000,000: *Provided further*, That funds trans-
19 ferred pursuant to the previous proviso may not be derived
20 from amounts made available for Peace Corps overseas op-
21 erations: *Provided further*, That of the funds appropriated
22 under this heading, not to exceed \$4,000 may be made
23 available for entertainment expenses: *Provided further*,
24 That any decision to open, close, significantly reduce, or
25 suspend a domestic or overseas office or country program

1 shall be subject to prior consultation with, and the regular
2 notification procedures of, the Committees on Appropria-
3 tions, except that prior consultation and regular notifica-
4 tion procedures may be waived when there is a substantial
5 security risk to volunteers or other Peace Corps personnel,
6 pursuant to section 7015(e) of this Act: *Provided further*,
7 That not later than 45 days after enactment of this Act,
8 the Director shall submit a spending plan to the Commit-
9 tees on Appropriations on the proposed uses of funds
10 under this heading: *Provided further*, That none of the
11 funds appropriated under this heading shall be used to
12 pay for abortions.

13 MILLENNIUM CHALLENGE CORPORATION

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of the Millennium Challenge Act of 2003, \$1,105,000,000
17 to remain available until expended: *Provided*, That of the
18 funds appropriated under this heading, up to
19 \$105,000,000 may be available for administrative ex-
20 penses of the Millennium Challenge Corporation (the Cor-
21 poration): *Provided further*, That up to 10 percent of the
22 funds appropriated under this heading may be made avail-
23 able to carry out the purposes of section 616 of the Millen-
24 nium Challenge Act of 2003 for fiscal year 2011: *Provided*
25 *further*, That section 605(e)(4) of the Millennium Chal-

1250

1 lence Act of 2003 shall apply to funds appropriated under
2 this heading: *Provided further*, That funds appropriated
3 under this heading may be made available for a Millen-
4 nium Challenge Compact entered into pursuant to section
5 609 of the Millennium Challenge Act of 2003 only if such
6 Compact obligates, or contains a commitment to obligate
7 subject to the availability of funds and the mutual agree-
8 ment of the parties to the Compact to proceed, the entire
9 amount of the United States Government funding antici-
10 pated for the duration of the Compact: *Provided further*,
11 That the Chief Executive Officer of the Corporation shall
12 notify the Committees on Appropriations not later than
13 15 days prior to signing any new country compact or new
14 threshold country program; terminating or suspending any
15 country compact or threshold country program; or com-
16 mencing negotiations for any new compact or threshold
17 country program: *Provided further*, That funds appro-
18 priated by this Act or any prior Act appropriating funds
19 for the Department of State, foreign operations, and re-
20 lated programs that are made available for a Millennium
21 Challenge Compact and that are suspended or terminated
22 by the Chief Executive Officer of the Corporation shall
23 be subject to the regular notification procedures of the
24 Committees on Appropriations prior to re-obligation: *Pro-*
25 *vided further*, That of the funds appropriated under this

1251

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

5 INTER-AMERICAN FOUNDATION

6 For necessary expenses to carry out the functions of
7 the Inter-American Foundation in accordance with the
8 provisions of section 401 of the Foreign Assistance Act
9 of 1969, \$24,500,000: *Provided*, That of the funds appro-
10 priated under this heading, not to exceed \$2,000 may be
11 available for entertainment and representation allowances.

12 AFRICAN DEVELOPMENT FOUNDATION

13 For necessary expenses to carry out title V of the
14 International Security and Development Cooperation Act
15 of 1980 (Public Law 96-533), \$30,500,000: *Provided*,
16 That funds made available to grantees may be invested
17 pending expenditure for project purposes when authorized
18 by the Board of Directors of the Foundation: *Provided fur-*
19 *ther*, That interest earned shall be used only for the pur-
20 poses for which the grant was made: *Provided further*,
21 That notwithstanding section 505(a)(2) of the African De-
22 velopment Foundation Act, in exceptional circumstances
23 the Board of Directors of the Foundation may waive the
24 \$250,000 limitation contained in that section with respect
25 to a project and a project may exceed the limitation by

1252

1 up to 10 percent if the increase is due solely to foreign
2 currency fluctuation: *Provided further*, That the Founda-
3 tion shall provide a report to the Committees on Appro-
4 priations after each time such waiver authority is exer-
5 cised.

6 DEPARTMENT OF THE TREASURY

7 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

8 For necessary expenses to carry out the provisions
9 of section 129 of the Foreign Assistance Act of 1961,
10 \$30,000,000, to remain available until September 30,
11 2013, which shall be available notwithstanding any other
12 provision of law.

13 DEBT RESTRUCTURING

14 For the cost, as defined in section 502 of the Con-
15 gressional Budget Act of 1974, of modifying loans and
16 loan guarantees, as the President may determine, for
17 which funds have been appropriated or otherwise made
18 available for programs within the International Affairs
19 Budget Function 150, including the cost of selling, reduc-
20 ing, or canceling amounts owed to the United States as
21 a result of concessional loans made to eligible countries,
22 pursuant to parts IV and V of the Foreign Assistance Act
23 of 1961, of modifying concessional credit agreements with
24 least developed countries, as authorized under section 411
25 of the Agricultural Trade Development and Assistance Act

1 of 1954, as amended, of concessional loans, guarantees
2 and credit agreements, as authorized under section 572
3 of the Foreign Operations, Export Financing, and Related
4 Programs Appropriations Act, 1989 (Public Law 100–
5 461), and of canceling amounts owed, as a result of loans
6 or guarantees made pursuant to the Export-Import Bank
7 Act of 1945, by countries that are eligible for debt reduc-
8 tion pursuant to title V of H.R. 3425 as enacted into law
9 by section 1000(a)(5) of Public Law 106–113,
10 \$56,000,000, to remain available until September 30,
11 2013: *Provided*, That not less than \$20,000,000 of the
12 funds appropriated under this heading shall be made avail-
13 able to carry out the provisions of part V of the Foreign
14 Assistance Act of 1961: *Provided further*, That up to
15 \$36,000,000 of the funds appropriated under this heading
16 may be for the United States share of an increase in the
17 resources of the Fund for Special Operations of the Inter-
18 American Development Bank in furtherance of providing
19 debt relief to Haiti in view of the Cancun Declaration of
20 March 21, 2010: *Provided further*, That amounts paid to
21 the Heavily Indebted Poor Countries (HIPC) Trust Fund
22 may be used only to fund debt reduction under the en-
23 hanced HIPC initiative by—

24 (1) the Inter-American Development Bank;

25 (2) the African Development Fund;

1 (3) the African Development Bank; and

2 (4) the Central American Bank for Economic

3 Integration:

4 *Provided further*, That funds may not be paid to the HIPC
5 Trust Fund for the benefit of any country if the Secretary
6 of State has credible evidence that the central government
7 of such country is engaged in a consistent pattern of gross
8 violations of internationally recognized human rights or in
9 military or civil conflict that undermines its ability to de-
10 velop and implement measures to alleviate poverty and to
11 devote adequate human and financial resources to that
12 end: *Provided further*, That on the basis of final appropri-
13 ations, the Secretary of the Treasury shall consult with the
14 Committees on Appropriations concerning which countries
15 and international financial institutions are expected to
16 benefit from a United States contribution to the HIPC
17 Trust Fund during the fiscal year: *Provided further*, That
18 the Secretary of the Treasury shall notify the Committees
19 on Appropriations not less than 15 days in advance of the
20 signature of an agreement by the United States to make
21 payments to the HIPC Trust Fund of amounts for such
22 countries and institutions: *Provided further*, That the Sec-
23 retary of the Treasury may disburse funds designated for
24 debt reduction through the HIPC Trust Fund only for the
25 benefit of countries that—

1 (1) have committed, for a period of 24 months,
2 not to accept new market-rate loans from the inter-
3 national financial institution receiving debt repay-
4 ment as a result of such disbursement, other than
5 loans made by such institutions to export-oriented
6 commercial projects that generate foreign exchange
7 which are generally referred to as “enclave” loans;
8 and

9 (2) have documented and demonstrated their
10 commitment to redirect their budgetary resources
11 from international debt repayments to programs to
12 alleviate poverty and promote economic growth that
13 are additional to or expand upon those previously
14 available for such purposes:

15 *Provided further,* That any limitation of subsection (e) of
16 section 411 of the Agricultural Trade Development and
17 Assistance Act of 1954 shall not apply to funds appro-
18 priated under this heading: *Provided further,* That none
19 of the funds made available under this heading in this or
20 any other appropriations Act shall be made available for
21 Sudan or Burma unless the Secretary of the Treasury de-
22 termines and notifies the Committees on Appropriations
23 that a democratically elected government has taken office.

1256

1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 DEPARTMENT OF STATE
4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out section 481 of
8 the Foreign Assistance Act of 1961, \$1,590,000,000, to
9 remain available until September 30, 2012: *Provided*,
10 That during fiscal year 2011, the Department of State
11 may also use the authority of section 608 of the Foreign
12 Assistance Act of 1961, without regard to its restrictions,
13 to receive excess property from an agency of the United
14 States Government for the purpose of providing it to a
15 foreign country or international organization under chap-
16 ter 8 of part I of that Act subject to the regular notifica-
17 tion procedures of the Committees on Appropriations: *Pro-*
18 *vided further*, That the Secretary of State shall provide
19 to the Committees on Appropriations not later than 45
20 days after the date of enactment of this Act and prior
21 to the initial obligation of funds appropriated under this
22 heading, a report on the proposed uses of all funds under
23 this heading on a country-by-country basis for each pro-
24 posed program, project, or activity: *Provided further*, That
25 section 482(b) of the Foreign Assistance Act of 1961 shall

1257

1 not apply to funds appropriated under this heading: *Pro-*
2 *vided further*, That assistance provided with funds appro-
3 priated under this heading that is made available notwith-
4 standing section 482(b) of the Foreign Assistance Act of
5 1961 shall be made available subject to the regular notifi-
6 cation procedures of the Committees on Appropriations:
7 *Provided further*, That of the funds appropriated under
8 this heading, \$5,000,000 should be made available to com-
9 bat piracy of United States copyrighted materials, con-
10 sistent with the requirements of section 688(a) and (b)
11 of the Department of State, Foreign Operations, and Re-
12 lated Programs Appropriations Act, 2008 (division J of
13 Public Law 110–161): *Provided further*, That of the funds
14 appropriated under this heading, \$15,000,000 shall be ap-
15 portioned directly to the United States Agency for Inter-
16 national Development (USAID) for institution building,
17 judicial reform, anti-corruption, rule of law activities, and
18 sustainable development programs in Mexico and may be
19 transferred to, and merged with, funds appropriated under
20 the heading “Economic Support Fund” to continue pro-
21 grams administered by USAID: *Provided further*, That
22 none of the funds appropriated under this heading for as-
23 sistance for Colombia shall be made available for budget
24 support or as cash payments: *Provided further*, That none
25 of the funds appropriated under this heading shall be

1258

1 made available for assistance for the Bolivian military and
2 police unless the Secretary of State determines and re-
3 ports to the Committees on Appropriations that the Gov-
4 ernment of Bolivia is investigating, prosecuting, and pun-
5 ishing military and police personnel who have been
6 credibly alleged to have violated internationally recognized
7 human rights.

8 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
9 RELATED PROGRAMS

10 For necessary expenses for nonproliferation, anti-ter-
11 rorism, demining and related programs and activities,
12 \$740,000,000, to carry out the provisions of chapter 8 of
13 part II of the Foreign Assistance Act of 1961 for anti-
14 terrorism assistance, chapter 9 of part II of the Foreign
15 Assistance Act of 1961, section 504 of the FREEDOM
16 Support Act, section 23 of the Arms Export Control Act
17 or the Foreign Assistance Act of 1961 for demining activi-
18 ties, the clearance of unexploded ordnance, the destruction
19 of small arms, and related activities, notwithstanding any
20 other provision of law, including activities implemented
21 through nongovernmental and international organizations,
22 and section 301 of the Foreign Assistance Act of 1961
23 for a voluntary contribution to the International Atomic
24 Energy Agency, and for a United States contribution to
25 the Comprehensive Nuclear Test Ban Treaty Preparatory

1 Commission: *Provided*, That of the funds made available
2 under this heading, not to exceed \$57,000,000, to remain
3 available until expended, may be made available for the
4 Nonproliferation and Disarmament Fund, notwith-
5 standing any other provision of law, to promote bilateral
6 and multilateral activities relating to nonproliferation, dis-
7 armament and weapons destruction: *Provided further*,
8 That such funds may also be used for such countries other
9 than the Independent States of the former Soviet Union
10 and international organizations when it is in the national
11 security interest of the United States to do so: *Provided*
12 *further*, That funds made available for the Nonprolifera-
13 tion and Disarmament Fund shall be subject to prior con-
14 sultation with, and the regular notification procedures of,
15 the Committees on Appropriations: *Provided further*, That
16 funds appropriated under this heading may be made avail-
17 able for the IAEA unless the Secretary of State deter-
18 mines that Israel is being denied its right to participate
19 in the activities of that Agency: *Provided further*, That of
20 the funds appropriated under this heading, not more than
21 \$500,000 may be made available for public-private part-
22 nerships for conventional weapons and mine action by
23 grant, cooperative agreement or contract: *Provided fur-*
24 *ther*, That of the funds made available for demining and
25 related activities, not to exceed \$700,000, in addition to

1260

1 funds otherwise available for such purposes, may be used
2 for administrative expenses related to the operation and
3 management of the demining program: *Provided further*,
4 That funds appropriated under this heading that are avail-
5 able for “Anti-terrorism Assistance” and “Export Control
6 and Border Security” shall remain available until Sep-
7 tember 30, 2012.

8 PEACEKEEPING OPERATIONS

9 For necessary expenses to carry out the provisions
10 of section 551 of the Foreign Assistance Act of 1961,
11 \$305,000,000: *Provided*, That funds appropriated under
12 this heading may be used, notwithstanding section 660 of
13 such Act, to provide assistance to enhance the capacity
14 of foreign civilian security forces, including gendarmes, to
15 participate in peacekeeping operations: *Provided further*,
16 That of the funds appropriated under this heading, up to
17 \$81,918,000, to remain available until September 30,
18 2012, may be made available to pay assessed expenses of
19 international peacekeeping activities in Somalia, subject to
20 prior consultation with, and the regular notification proce-
21 dures of, the Committees on Appropriations, except that
22 such funds should not be made available unless the Sec-
23 retary of State reports to the Committees on Appropria-
24 tions that indiscriminate shelling and other abuses of civil-
25 ians by African Union Mission troops are being addressed:

1261

1 *Provided further*, That funds appropriated under this
2 heading should not be used to support any military train-
3 ing or operations that include child soldiers: *Provided fur-*
4 *ther*, That of the funds appropriated under this heading,
5 not less than \$26,000,000 shall be made available for a
6 United States contribution to the Multinational Force and
7 Observers mission in the Sinai: *Provided further*, That
8 none of the funds appropriated under this heading shall
9 be obligated or expended except as provided through the
10 regular notification procedures of the Committees on Ap-
11 propriations.

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 INTERNATIONAL MILITARY EDUCATION AND TRAINING

14 For necessary expenses to carry out the provisions
15 of section 541 of the Foreign Assistance Act of 1961,
16 \$107,000,000, of which up to \$3,500,000 may remain
17 available until expended and may only be provided through
18 the regular notification procedures of the Committees on
19 Appropriations: *Provided*, That the civilian personnel for
20 whom military education and training may be provided
21 under this heading may include civilians who are not mem-
22 bers of a government whose participation would contribute
23 to improved civil-military relations, civilian control of the
24 military, or respect for human rights: *Provided further*,
25 That funds made available under this heading for assist-

1262

1 ance for Angola, Bangladesh, Cameroon, Central African
2 Republic, Chad, Côte d'Ivoire, Democratic Republic of the
3 Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia,
4 Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only
5 be provided through the regular notification procedures of
6 the Committees on Appropriations and any such notifica-
7 tion shall include a detailed description of proposed activi-
8 ties: *Provided further*, That of the funds appropriated
9 under this heading, not to exceed \$55,000 may be avail-
10 able for entertainment allowances.

11 FOREIGN MILITARY FINANCING PROGRAM

12 For necessary expenses for grants to enable the
13 President to carry out the provisions of section 23 of the
14 Arms Export Control Act, \$5,440,000,000: *Provided*,
15 That to expedite the provision of assistance to foreign
16 countries and international organizations, the Secretary of
17 State, following consultation with the Committees on Ap-
18 propriations and subject to the regular notification proce-
19 dures of such Committees, may use the funds appro-
20 priated under this heading to procure defense articles and
21 services to enhance the capacity of foreign security forces:
22 *Provided further*, That funds made available under this
23 heading may be used, notwithstanding any other provision
24 of law, for demining, the clearance of unexploded ord-
25 nance, and related activities, and may include activities

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

1264

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

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

1265

1 funds appropriated under this heading may be made avail-
2 able for assistance for Nepal, Sri Lanka, Pakistan, Ban-
3 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,
4 Haiti, Guatemala, Ethiopia, Cambodia, Kenya, Chad, and
5 the Democratic Republic of the Congo except pursuant to
6 the regular notification procedures of the Committees on
7 Appropriations: *Provided further*, That only those coun-
8 tries for which assistance was justified for the “Foreign
9 Military Sales Financing Program” in the fiscal year 1989
10 congressional presentation for security assistance pro-
11 grams may utilize funds made available under this heading
12 for procurement of defense articles, defense services or de-
13 sign and construction services that are not sold by the
14 United States Government under the Arms Export Con-
15 trol Act: *Provided further*, That funds appropriated under
16 this heading shall be expended at the minimum rate nec-
17 essary to make timely payment for defense articles and
18 services: *Provided further*, That not more than
19 \$56,583,000 of the funds appropriated under this heading
20 may be obligated for necessary expenses, including the
21 purchase of passenger motor vehicles for replacement only
22 for use outside of the United States, for the general costs
23 of administering military assistance and sales, except that
24 this limitation may be exceeded only through the regular
25 notification procedures of the Committees on Appropria-

1266

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

14 PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to carry out the provisions
17 of chapter 8 of part I and chapters 2, 5, 6, and 8 of part
18 II of the Foreign Assistance Act of 1961 and section 23
19 of the Arms Export Control Act, \$1,000,000,000, to re-
20 main available until September 30, 2012, for the purpose
21 of providing assistance for Pakistan to build and maintain
22 the counterinsurgency capability of Pakistani security
23 forces (including the Frontier Corps), to include program
24 management, training in civil-military humanitarian as-
25 sistance, human rights training, and the provision of

1267

1 equipment, supplies, services, training, and facility and in-
2 frastructure repair, renovation, and construction: *Pro-*
3 *vided*, That notwithstanding any other provision of law,
4 such funds shall be available to the Secretary of State,
5 with the concurrence of the Secretary of Defense: *Provided*
6 *further*, That such funds may be transferred by the Sec-
7 retary of State to the Department of Defense or other
8 Federal departments or agencies to support counterinsur-
9 gency operations and may be merged with, and be avail-
10 able, for the same purposes and for the same time period
11 as the appropriation or fund to which transferred or may
12 be transferred pursuant to the authorities contained in the
13 Foreign Assistance Act of 1961: *Provided further*, That
14 the Secretary of State shall, not fewer than 15 days prior
15 to making transfers from this appropriation, notify the
16 Committees on Appropriations, in writing, of the details
17 of any such transfer: *Provided further*, That the Secretary
18 of State shall submit not later than 30 days after the end
19 of each fiscal quarter to the Committees on Appropriations
20 a report in writing summarizing, on a project-by-project
21 basis, the uses of funds under this heading: *Provided fur-*
22 *ther*, That upon determination by the Secretary of State,
23 with the concurrence of the Secretary of Defense, that all
24 or part of the funds so transferred from this appropriation
25 are not necessary for the purposes herein, such amounts

1268

1 may be transferred by the head of the relevant Federal
2 department or agency back to this appropriation and shall
3 be available for the same purposes and for the same time
4 period as originally appropriated: *Provided further*, That
5 any required notification or report may be submitted in
6 classified form.

7 TITLE V

8 MULTILATERAL ASSISTANCE

9 FUNDS APPROPRIATED TO THE PRESIDENT

10 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

11 For necessary expenses to carry out the provisions
12 of section 301 of the Foreign Assistance Act of 1961, and
13 of section 2 of the United Nations Environment Program
14 Participation Act of 1973, \$395,500,000: *Provided*, That
15 section 307(a) of the Foreign Assistance Act of 1961 shall
16 not apply to contributions to the United Nations Democ-
17 racy Fund.

18 INTERNATIONAL FINANCIAL INSTITUTIONS

19 GLOBAL ENVIRONMENT FACILITY

20 For payment to the International Bank for Recon-
21 struction and Development as trustee for the Global Envi-
22 ronment Facility by the Secretary of the Treasury,
23 \$143,750,000, to remain available until expended.

1269

1 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
2 ASSOCIATION

3 For payment to the International Development Asso-
4 ciation by the Secretary of the Treasury, \$1,235,000,000,
5 to remain available until expended.

6 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

7 For payment to the International Bank for Recon-
8 struction and Development as trustee for the Clean Tech-
9 nology Fund by the Secretary of the Treasury,
10 \$315,000,000, to remain available until expended.

11 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

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

16 GLOBAL FOOD SECURITY FUND

17 For payment as a contribution to a global food secu-
18 rity fund by the Secretary of the Treasury, \$215,000,000,
19 to remain available until expended.

20 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
21 BANK

22 For payment to the Inter-American Investment Cor-
23 poration by the Secretary of the Treasury, \$21,000,000,
24 to remain available until expended.

1270

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

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

6 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

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

11 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

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

17 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

18 For payment to the Asian Development Bank's Asian
19 Development Fund by the Secretary of the Treasury,
20 \$77,000,000, to remain available until expended.

21 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

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

1271

1 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
2 AGRICULTURAL DEVELOPMENT

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

6 TITLE VI

7 EXPORT AND INVESTMENT ASSISTANCE

8 EXPORT-IMPORT BANK OF THE UNITED STATES

9 OFFICE OF INSPECTOR GENERAL

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

14 PROGRAM ACCOUNT

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

1272

1 equipment, fuel, or technology to any country, other than
2 a nuclear-weapon state as defined in Article IX of the
3 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
4 ble to receive economic or military assistance under this
5 Act, that has detonated a nuclear explosive after the date
6 of the enactment of this Act: *Provided further*, That the
7 use of the aggregate loan, guarantee, and insurance au-
8 thority available to the Export-Import Bank during the
9 current fiscal year should not result in greenhouse gas
10 emissions from the extraction or production of fossil fuels
11 and the use of fossil fuels in electricity generation exceed-
12 ing the total amount of such emissions resulting from the
13 use of such authority during fiscal year 2007, unless not
14 less than 15 days prior to the use of such authority the
15 Export-Import Bank provides written notification to the
16 Committees on Appropriations that the use of such au-
17 thority would result in greenhouse gas emissions exceeding
18 such amount and indicating the amount of the increase,
19 and posts such notification on the Bank's Web site: *Pro-*
20 *vided further*, That not less than 10 percent of such aggre-
21 gate should be used for renewable energy technology and
22 end-use energy efficiency technologies.

23

SUBSIDY APPROPRIATION

24

For the cost of direct loans, loan guarantees, insur-
25 ance, and tied-aid grants as authorized by section 10 of

1273

1 the Export-Import Bank Act of 1945, as amended, not
2 to exceed \$82,000,000: *Provided*, That such costs, includ-
3 ing the cost of modifying such loans, shall be as defined
4 in section 502 of the Congressional Budget Act of 1974:
5 *Provided further*, That such funds shall remain available
6 until September 30, 2026, for the disbursement of direct
7 loans, loan guarantees, insurance and tied-aid grants obli-
8 gated in fiscal years 2011, 2012, 2013, and 2014: *Pro-*
9 *vided further*, That none of the funds appropriated by this
10 Act or any prior Acts appropriating funds for the Depart-
11 ment of State, foreign operations, and related programs
12 for tied-aid credits or grants may be used for any other
13 purpose except through the regular notification procedures
14 of the Committees on Appropriations: *Provided further*,
15 That funds appropriated by this paragraph are made
16 available notwithstanding section 2(b)(2) of the Export-
17 Import Bank Act of 1945, in connection with the purchase
18 or lease of any product by any Eastern European country,
19 any Baltic State or any agency or national thereof.

20 ADMINISTRATIVE EXPENSES

21 For administrative expenses to carry out the direct
22 and guaranteed loan and insurance programs, including
23 hire of passenger motor vehicles and services as authorized
24 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
25 reception and representation expenses for members of the

1274

1 Board of Directors, not to exceed \$99,000,000: *Provided*,
2 That the Export-Import Bank may accept, and use, pay-
3 ment or services provided by transaction participants for
4 legal, financial, or technical services in connection with
5 any transaction for which an application for a loan, guar-
6 antee or insurance commitment has been made: *Provided*
7 *further*, That project specific transaction costs, including
8 direct and indirect costs incurred in claims settlements,
9 and other costs for systems infrastructure directly sup-
10 porting transactions, shall not be considered administra-
11 tive expenses for the purposes of this heading: *Provided*
12 *further*, That notwithstanding subsection (b) of section
13 117 of the Export Enhancement Act of 1992, subsection
14 (a) thereof shall remain in effect until October 1, 2011.

15 RECEIPTS COLLECTED

16 Receipts collected pursuant to the Export-Import
17 Bank Act of 1945, as amended, and the Federal Credit
18 Reform Act of 1990, as amended, in an amount not to
19 exceed the amount appropriated herein, shall be credited
20 as offsetting collections to this account: *Provided*, That the
21 sums herein appropriated from the General Fund shall be
22 reduced on a dollar-for-dollar basis by such offsetting col-
23 lections so as to result in a final fiscal year appropriation
24 from the General Fund estimated at \$0: *Provided further*,
25 That amounts collected in fiscal year 2011 in excess of

1275

1 obligations shall become available on September 1, 2011
2 and shall remain available until September 30, 2014.

3 OVERSEAS PRIVATE INVESTMENT CORPORATION

4 NONCREDIT ACCOUNT

5 The Overseas Private Investment Corporation is au-
6 thorized to make, without regard to fiscal year limitations,
7 as provided by 31 U.S.C. 9104, such expenditures and
8 commitments within the limits of funds available to it and
9 in accordance with law as may be necessary: *Provided*,
10 That the amount available for administrative expenses to
11 carry out the credit and insurance programs (including an
12 amount for official reception and representation expenses
13 which shall not exceed \$35,000) shall not exceed
14 \$53,946,000: *Provided further*, That project-specific trans-
15 action costs, including direct and indirect costs incurred
16 in claims settlements, and other direct costs associated
17 with services provided to specific investors or potential in-
18 vestors pursuant to section 234 of the Foreign Assistance
19 Act of 1961, shall not be considered administrative ex-
20 penses for the purposes of this heading.

21 PROGRAM ACCOUNT

22 For the cost of direct and guaranteed loans,
23 \$29,000,000, as authorized by section 234 of the Foreign
24 Assistance Act of 1961, to be derived by transfer from
25 the Overseas Private Investment Corporation Noncredit

1276

1 Account: *Provided*, That such costs, including the cost of
2 modifying such loans, shall be as defined in section 502
3 of the Congressional Budget Act of 1974: *Provided fur-*
4 *ther*, That such sums shall be available for direct loan obli-
5 gations and loan guaranty commitments incurred or made
6 during fiscal years 2011, 2012, and 2013: *Provided fur-*
7 *ther*, That funds so obligated in fiscal year 2011 remain
8 available for disbursement through 2019; funds obligated
9 in fiscal year 2012 remain available for disbursement
10 through 2020; and funds obligated in fiscal year 2013 re-
11 main available for disbursement through 2021: *Provided*
12 *further*, That notwithstanding any other provision of law,
13 the Overseas Private Investment Corporation is authorized
14 to undertake any program authorized by title IV of the
15 Foreign Assistance Act of 1961 in Iraq: *Provided further*,
16 That funds made available pursuant to the authority of
17 the previous proviso shall be subject to the regular notifi-
18 cation procedures of the Committees on Appropriations.

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

1277

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 TRADE AND DEVELOPMENT AGENCY

3 For necessary expenses to carry out the provisions
4 of section 661 of the Foreign Assistance Act of 1961,
5 \$55,200,000, to remain available until September 30,
6 2012: *Provided*, That of the funds appropriated under this
7 heading, not more than \$4,000 may be available for rep-
8 resentation and entertainment allowances.

9 TITLE VII

10 GENERAL PROVISIONS

11 ALLOWANCES AND DIFFERENTIALS

12 SEC. 7001. Funds appropriated under title I of this
13 Act shall be available, except as otherwise provided, for
14 allowances and differentials as authorized by subchapter
15 59 of title 5, United States Code; for services as author-
16 ized by 5 U.S.C. 3109; and for hire of passenger transpor-
17 tation pursuant to 31 U.S.C. 1343(b).

18 UNOBLIGATED BALANCES REPORT

19 SEC. 7002. Any department or agency of the United
20 States Government to which funds are appropriated or
21 otherwise made available by this Act shall provide to the
22 Committees on Appropriations a quarterly accounting of
23 cumulative balances by program, project, and activity of
24 the funds received by such department or agency in this
25 fiscal year or any previous fiscal year that remain unobli-

1 gated and unexpended: *Provided*, That such report should
2 disaggregate such funds by fiscal year as soon as prac-
3 ticable.

4 CONSULTING SERVICES

5 SEC. 7003. The expenditure of any appropriation
6 under title I of this Act for any consulting service through
7 procurement contract, pursuant to 5 U.S.C. 3109, shall
8 be limited to those contracts where such expenditures are
9 a matter of public record and available for public inspec-
10 tion, except where otherwise provided under existing law,
11 or under existing Executive order issued pursuant to exist-
12 ing law.

13 EMBASSY CONSTRUCTION

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

1 629 of the Departments of Commerce, Justice, and State,
2 the Judiciary, and Related Agencies Appropriations Act,
3 2005.

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

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

15 (d) None of the funds appropriated under the heading
16 “Embassy Security, Construction, and Maintenance” in
17 title I of this Act may be made available for construction
18 of the New London Embassy.

19 PERSONNEL ACTIONS

20 SEC. 7005. Any costs incurred by a department or
21 agency funded under title I of this Act resulting from per-
22 sonnel actions taken in response to funding reductions in-
23 cluded in this Act shall be absorbed within the total budg-
24 etary resources available under title I to such department
25 or agency: *Provided*, That the authority to transfer funds

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

9 LOCAL GUARD CONTRACTS

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

1281

1 of State shall consult with the Committees on Appropria-
2 tions.

3 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
4 COUNTRIES

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

13 COUPS D'ÉTAT

14 SEC. 7008. None of the funds appropriated or other-
15 wise made available pursuant to titles III through VI of
16 this Act shall be obligated or expended to finance directly
17 any assistance to the government of any country whose
18 duly elected head of government is deposed by coup d'état
19 or decree: *Provided*, That assistance may be resumed to
20 such government if the President determines and certifies
21 to the Committees on Appropriations that subsequent to
22 the termination of assistance a democratically elected gov-
23 ernment has taken office: *Provided further*, That the provi-
24 sions of this section shall not apply to assistance to pro-
25 mote democratic elections or public participation in demo-

1 cratic processes: *Provided further*, That funds made avail-
2 able pursuant to the previous provisos shall be subject to
3 the regular notification procedures of the Committees on
4 Appropriations.

5 TRANSFER AUTHORITY

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

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

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

22 (3) Any transfer pursuant to this section shall
23 be treated as a reprogramming of funds under sec-
24 tion 7015(a) and (b) of this Act and shall not be

1 available for obligation or expenditure except in com-
2 pliance with the procedures set forth in that section.

3 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—

4 Not to exceed 5 percent of any appropriation other than
5 for administrative expenses made available for fiscal year
6 2011, for programs under title VI of this Act may be
7 transferred between such appropriations for use for any
8 of the purposes, programs, and activities for which the
9 funds in such receiving account may be used, but no such
10 appropriation, except as otherwise specifically provided,
11 shall be increased by more than 25 percent by any such
12 transfer: *Provided*, That the exercise of such authority
13 shall be subject to the regular notification procedures of
14 the Committees on Appropriations.

15 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
16 CIES.—

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

23 (2) Notwithstanding paragraph (1), in addition
24 to transfers made by, or authorized elsewhere in,
25 this Act, funds appropriated by this Act to carry out

1 the purposes of the Foreign Assistance Act of 1961
2 may be allocated or transferred to agencies of the
3 United States Government pursuant to the provi-
4 sions of sections 109, 610, and 632 of the Foreign
5 Assistance Act of 1961.

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

24 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
25 funds made available under titles II through V of this Act

1 may be obligated under an appropriation account to which
2 they were not appropriated, except for transfers specifi-
3 cally provided for in this Act, unless the President, not
4 less than 5 days prior to the exercise of any authority con-
5 tained in the Foreign Assistance Act of 1961 to transfer
6 funds, consults with and provides a written policy jus-
7 tification to the Committees on Appropriations.

8 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
9 agreement for the transfer or allocation of funds appro-
10 priated by this Act, or prior Acts, entered into between
11 the Department of State or USAID and another agency
12 of the United States Government under the authority of
13 section 632(a) of the Foreign Assistance Act of 1961 or
14 any comparable provision of law, shall expressly provide
15 that the Inspector General for the agency receiving the
16 transfer or allocation of such funds shall perform periodic
17 program and financial audits of the use of such funds:
18 *Provided*, That funds transferred under such authority
19 may be made available for the cost of such audits.

20 REPORTING REQUIREMENT

21 SEC. 7010. The Secretary of State shall provide the
22 Committees on Appropriations, not later than April 1,
23 2011, and for each fiscal quarter, a report in writing on
24 the uses of funds made available under the headings “For-
25 eign Military Financing Program”, “International Mili-

1 tary Education and Training”, and “Peacekeeping Oper-
2 ations”: *Provided*, That such report shall include a de-
3 scription of the obligation and expenditure of funds, and
4 the specific country in receipt of, and the use or purpose
5 of the assistance provided by such funds.

6 AVAILABILITY OF FUNDS

7 SEC. 7011. No part of any appropriation contained
8 in this Act shall remain available for obligation after the
9 expiration of the current fiscal year unless expressly so
10 provided in this Act: *Provided*, That funds appropriated
11 for the purposes of chapters 1, 8, 11, and 12 of part I,
12 section 661, section 667, chapters 4, 5, 6, 8, and 9 of
13 part II of the Foreign Assistance Act of 1961, section 23
14 of the Arms Export Control Act, and funds provided under
15 the headings “Assistance for Europe, Eurasia and Central
16 Asia”, “Democracy Fund”, “Pakistan Counterinsurgency
17 Capability Fund”, and “Development Credit Authority”,
18 shall remain available for an additional 4 years from the
19 date on which the availability of such funds would other-
20 wise have expired, if such funds are initially obligated be-
21 fore the expiration of their respective periods of avail-
22 ability contained in this Act: *Provided further*, That not-
23 withstanding any other provision of this Act, any funds
24 made available for the purposes of chapter 1 of part I and
25 chapter 4 of part II of the Foreign Assistance Act of 1961

1 which are allocated or obligated for cash disbursements
2 in order to address balance of payments or economic policy
3 reform objectives, shall remain available until expended.

4 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

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

16 PROHIBITION ON TAXATION OF UNITED STATES

17 ASSISTANCE

18 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
19 of the funds appropriated under titles III through VI of
20 this Act may be made available to provide assistance for
21 a foreign country under a new bilateral agreement gov-
22 erning the terms and conditions under which such assist-
23 ance is to be provided unless such agreement includes a
24 provision stating that assistance provided by the United
25 States shall be exempt from taxation, or reimbursed, by

1 the foreign government, and the Secretary of State shall
2 expeditiously seek to negotiate amendments to existing bi-
3 lateral agreements, as necessary, to conform with this re-
4 quirement.

5 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
6 amount equivalent to 200 percent of the total taxes as-
7 sessed during fiscal year 2011 on funds appropriated by
8 this Act by a foreign government or entity against com-
9 modities financed under United States assistance pro-
10 grams for which funds are appropriated by this Act, either
11 directly or through grantees, contractors and subcontrac-
12 tors shall be withheld from obligation from funds appro-
13 priated for assistance for fiscal year 2012 and allocated
14 for the central government of such country and for the
15 West Bank and Gaza program to the extent that the Sec-
16 retary of State certifies and reports in writing to the Com-
17 mittees on Appropriations that such taxes have not been
18 reimbursed to the Government of the United States.

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

22 (d) REPROGRAMMING OF FUNDS.—Funds withheld
23 from obligation for each country or entity pursuant to sub-
24 section (b) shall be reprogrammed for assistance to coun-
25 tries which do not assess taxes on United States assistance

1 or which have an effective arrangement that is providing
2 substantial reimbursement of such taxes.

3 (e) DETERMINATIONS.—

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

7 (A) does not assess taxes on United States
8 assistance or which has an effective arrange-
9 ment that is providing substantial reimburse-
10 ment of such taxes; or

11 (B) the foreign policy interests of the
12 United States outweigh the purpose of this sec-
13 tion to ensure that United States assistance is
14 not subject to taxation.

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

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

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

24 (1) the terms “taxes” and “taxation” refer to
25 value added taxes and customs duties imposed on

1 commodities financed with United States assistance
2 for programs for which funds are appropriated by
3 this Act; and

4 (2) the term “bilateral agreement” refers to a
5 framework bilateral agreement between the Govern-
6 ment of the United States and the government of
7 the country receiving assistance that describes the
8 privileges and immunities applicable to United
9 States foreign assistance for such country generally,
10 or an individual agreement between the Government
11 of the United States and such government that de-
12 scribes, among other things, the treatment for tax
13 purposes that will be accorded the United States as-
14 sistance provided under that agreement.

15 RESERVATIONS OF FUNDS

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

1 pursuant to this subsection shall be made available under
2 the same terms and conditions as originally provided.

3 (b) In addition to the authority contained in sub-
4 section (a), the original period of availability of funds ap-
5 propriated by this Act and administered by the United
6 States Agency for International Development (USAID)
7 that are specifically designated for particular programs or
8 activities by this or any other Act shall be extended for
9 an additional fiscal year if the USAID Administrator de-
10 termines and reports promptly to the Committees on Ap-
11 propriations that the termination of assistance to a coun-
12 try or a significant change in circumstances makes it un-
13 likely that such designated funds can be obligated during
14 the original period of availability: *Provided*, That such des-
15 ignated funds that continue to be available for an addi-
16 tional fiscal year shall be obligated only for the purpose
17 of such designation.

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

1 REPROGRAMMING NOTIFICATION REQUIREMENTS

2 SEC. 7015. (a) None of the funds made available in
3 title I of this Act, or in prior appropriations Acts to the
4 agencies and departments funded by this Act that remain
5 available for obligation or expenditure in fiscal year 2011,
6 or provided from any accounts in the Treasury of the
7 United States derived by the collection of fees or of cur-
8 rency reflows or other offsetting collections, or made avail-
9 able by transfer, to the agencies and departments funded
10 by this Act, shall be available for obligation or expenditure
11 through a reprogramming of funds that: (1) creates new
12 programs; (2) eliminates a program, project, or activity;
13 (3) increases funds or personnel by any means for any
14 project or activity for which funds have been denied or
15 restricted; (4) relocates an office or employees; (5) closes
16 or opens a mission or post; (6) establishes, reorganizes,
17 or renames offices or bureaus; (7) reorganizes programs
18 or activities; or (8) contracts out or privatizes any func-
19 tions or activities presently performed by Federal employ-
20 ees; unless the Committees on Appropriations are notified
21 15 days in advance of such reprogramming of funds.

22 (b) For the purposes of providing the executive
23 branch with the necessary administrative flexibility, none
24 of the funds provided under title I of this Act, or provided
25 under previous appropriations Acts to the agency or de-

1 partment funded under title I of this Act that remain
2 available for obligation or expenditure in fiscal year 2011,
3 or provided from any accounts in the Treasury of the
4 United States derived by the collection of fees available
5 to the agency or department funded under title I of this
6 Act, shall be available for obligation or expenditure for ac-
7 tivities, programs, or projects through a reprogramming
8 of funds in excess of \$1,000,000 or 10 percent, whichever
9 is less, that: (1) augments existing programs, projects, or
10 activities; (2) reduces by 10 percent funding for any exist-
11 ing program, project, or activity, or numbers of personnel
12 by 10 percent as approved by Congress; or (3) results from
13 any general savings, including savings from a reduction
14 in personnel, which would result in a change in existing
15 programs, activities, or projects as approved by Congress;
16 unless the Committees on Appropriations are notified 15
17 days in advance of such reprogramming of funds.

18 (c) For the purposes of providing the executive
19 branch with the necessary administrative flexibility, none
20 of the funds made available under titles II through VI in
21 this Act under the headings “Global Health and Child
22 Survival”, “Development Assistance”, “International Or-
23 ganizations and Programs”, “Trade and Development
24 Agency”, “International Narcotics Control and Law En-
25 forcement”, “Assistance for Europe, Eurasia and Central

1294

1 Asia”, “Economic Support Fund”, “Democracy Fund”,
2 “Peacekeeping Operations”, “Capital Investment Fund”,
3 “Operating Expenses”, “Civilian Stabilization Initiative”,
4 “Office of Inspector General”, “Nonproliferation, Anti-
5 terrorism, Demining and Related Programs”, “Millen-
6 nium Challenge Corporation”, “Foreign Military Financ-
7 ing Program”, “International Military Education and
8 Training”, and “Peace Corps”, shall be available for obli-
9 gation for activities, programs, projects, type of materiel
10 assistance, countries, or other operations not justified or
11 in excess of the amount justified to the Committees on
12 Appropriations for obligation under any of these specific
13 headings unless the Committees on Appropriations are no-
14 tified 15 days in advance: *Provided*, That the President
15 shall not enter into any commitment of funds appropriated
16 for the purposes of section 23 of the Arms Export Control
17 Act for the provision of major defense equipment, other
18 than conventional ammunition, or other major defense
19 items defined to be aircraft, ships, missiles, or combat ve-
20 hicles, not previously justified to Congress or 20 percent
21 in excess of the quantities justified to Congress unless the
22 Committees on Appropriations are notified 15 days in ad-
23 vance of such commitment: *Provided further*, That require-
24 ments of this subsection or any similar provision of this
25 or any other Act shall not apply to any reprogramming

1 for an activity, program, or project for which funds are
2 appropriated under titles II through IV of this Act of less
3 than 10 percent of the amount previously justified to the
4 Congress for obligation for such activity, program, or
5 project for the current fiscal year.

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

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

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

7 (f) None of the funds appropriated under titles III
8 through VI of this Act shall be obligated or expended for
9 assistance for Serbia, Sudan, Zimbabwe, Afghanistan,
10 Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya,
11 Ethiopia, Nepal, Colombia, Burma, Yemen, Mexico,
12 Kazakhstan, Somalia, Sri Lanka, or Cambodia and coun-
13 tries listed in section 7044(e)(3) of this Act except as pro-
14 vided through the regular notification procedures of the
15 Committees on Appropriations.

16 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

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

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

11 LIMITATION ON AVAILABILITY OF FUNDS FOR
12 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

13 SEC. 7017. Subject to the regular notification proce-
14 dures of the Committees on Appropriations, funds appro-
15 priated under titles III through VI of this Act and prior
16 Acts making appropriations for the Department of State,
17 foreign operations, and related programs, which are re-
18 turned or not made available for organizations and pro-
19 grams because of the implementation of section 307(a) of
20 the Foreign Assistance Act of 1961, shall remain available
21 for obligation until September 30, 2012.

22 PROHIBITION ON FUNDING FOR ABORTIONS AND
23 INVOLUNTARY STERILIZATION

24 SEC. 7018. None of the funds made available to carry
25 out part I of the Foreign Assistance Act of 1961, as

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

21 ALLOCATIONS

22 SEC. 7019. (a) Funds provided in this Act for the
23 following accounts shall be made available for programs
24 and countries in the amounts contained in the respective

1 tables included in the explanatory statement accom-
2 panying this Act:

3 “Diplomatic and Consular Programs”;

4 “Educational and Cultural Exchange Pro-
5 grams”;

6 “International Fisheries Commissions”;

7 “International Broadcasting Operations”;

8 “Operating Expenses”;

9 “Global Health and Child Survival”;

10 “Development Assistance”;

11 “Democracy Fund”;

12 “Economic Support Fund”;

13 “Assistance for Europe, Eurasia and Central
14 Asia”;

15 “International Narcotics Control and Law En-
16 forcement”;

17 “Nonproliferation, Anti-terrorism, Demining
18 and Related Programs”;

19 “Peacekeeping Operations”;

20 “International Military Education and Train-
21 ing”;

22 “Foreign Military Financing Program”; and

23 “International Organizations and Programs”.

24 (b) For the purposes of implementing this section and
25 only with respect to the tables included in the explanatory

1 statement accompanying this Act, the Secretary of State,
2 the Administrator of the United States Agency for Inter-
3 national Development and the Broadcasting Board of Gov-
4 ernors, as appropriate, may propose deviations to the
5 amounts referenced in subsection (a), subject to the reg-
6 ular notification procedures of the Committees on Appro-
7 priations.

8 (c) The requirements contained in subsection (a)
9 shall apply to the tables under the headings “Bilateral
10 Economic Assistance” and “General Provisions” in the ex-
11 planatory statement.

12 (d) For the purposes of division K of this Act and
13 unless otherwise specified, the term “explanatory state-
14 ment” shall mean the matter in division K of the explana-
15 tory statement described in section 4 (in the matter pre-
16 ceding division A of this consolidated Act).

17 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

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

25 (1) alcoholic beverages; or

1301

1 (2) entertainment expenses for activities that
2 are substantially of a recreational character, includ-
3 ing but not limited to entrance fees at sporting
4 events, theatrical and musical productions, and
5 amusement parks.

6 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

7 SUPPORTING INTERNATIONAL TERRORISM

8 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
9 PORTS.—

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

24 (2) Assistance restricted by paragraph (1) or
25 any other similar provision of law, may be furnished

1 if the President determines that to do so is impor-
2 tant to the national interests of the United States.

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

11 (b) BILATERAL ASSISTANCE.—

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

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

22 (B) otherwise supports international ter-
23 rorism.

24 (2) The President may waive the application of
25 paragraph (1) to a government if the President de-

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

10 LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF
11 CERTAIN LAWS

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

23 AUTHORIZATION REQUIREMENTS

24 SEC. 7023. Funds appropriated by this Act, except
25 funds appropriated under the heading “Trade and Devel-

1 opment Agency”, may be obligated and expended notwith-
2 standing section 10 of Public Law 91–672, section 15 of
3 the State Department Basic Authorities Act of 1956, sec-
4 tion 313 of the Foreign Relations Authorization Act, Fis-
5 cal Years 1994 and 1995 (Public Law 103–236), and sec-
6 tion 504(a)(1) of the National Security Act of 1947 (50
7 U.S.C. 414(a)(1)).

8 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

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

1 quired by section 653(a) of the Foreign Assistance Act
2 of 1961.

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

5 SEC. 7025. Unless expressly provided to the contrary,
6 provisions of this or any other Act, including provisions
7 contained in prior Acts authorizing or making appropria-
8 tions for the Department of State, foreign operations, and
9 related programs, shall not be construed to prohibit activi-
10 ties authorized by or conducted under the Peace Corps
11 Act, the Inter-American Foundation Act or the African
12 Development Foundation Act: *Provided*, That the agency
13 shall promptly report to the Committees on Appropria-
14 tions whenever it is conducting activities or is proposing
15 to conduct activities in a country for which assistance is
16 prohibited.

17 COMMERCE, TRADE AND SURPLUS COMMODITIES

18 SEC. 7026. (a) None of the funds appropriated or
19 made available pursuant to titles III through VI of this
20 Act for direct assistance and none of the funds otherwise
21 made available to the Export-Import Bank and the Over-
22 seas Private Investment Corporation shall be obligated or
23 expended to finance any loan, any assistance or any other
24 financial commitments for establishing or expanding pro-
25 duction of any commodity for export by any country other

1 than the United States, if the commodity is likely to be
2 in surplus on world markets at the time the resulting pro-
3 ductive capacity is expected to become operative and if the
4 assistance will cause substantial injury to United States
5 producers of the same, similar, or competing commodity:
6 *Provided*, That such prohibition shall not apply to the Ex-
7 port-Import Bank if in the judgment of its Board of Direc-
8 tors the benefits to industry and employment in the
9 United States are likely to outweigh the injury to United
10 States producers of the same, similar, or competing com-
11 modity, and the Chairman of the Board so notifies the
12 Committees on Appropriations.

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

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

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

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

5 (c)(1) The Secretary of the Treasury shall instruct
6 the United States executive directors of the international
7 financial institutions to use the voice and vote of the
8 United States to oppose any assistance by such institu-
9 tions, using funds appropriated or made available pursu-
10 ant to titles III through VI of this Act, for the production
11 or extraction of any commodity or mineral for export, if
12 it is in surplus on world markets and if the assistance
13 will cause substantial injury to United States producers
14 of the same, similar, or competing commodity.

15 (2) For the purposes of this Act the term “inter-
16 national financial institutions” shall mean the Inter-
17 national Bank for Reconstruction and Development, the
18 International Development Association, the International
19 Finance Corporation, the Inter-American Development
20 Bank, the International Monetary Fund, the Asian Devel-
21 opment Bank, the Asian Development Fund, the Inter-
22 American Investment Corporation, the North American
23 Development Bank, the European Bank for Reconstruc-
24 tion and Development, the African Development Bank,
25 and the African Development Fund.

1 SEPARATE ACCOUNTS

2 SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL
3 CURRENCIES.—

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

11 (A) require that local currencies be depos-
12 ited in a separate account established by that
13 government;

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

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

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

21 (C) establish by agreement with that gov-
22 ernment the responsibilities of USAID and that
23 government to monitor and account for deposits
24 into and disbursements from the separate ac-
25 count.

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

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

10 (i) project and sector assistance activi-
11 ties; or

12 (ii) debt and deficit financing; or

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

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

22 (4) TERMINATION OF ASSISTANCE PRO-
23 GRAMS.—Upon termination of assistance to a coun-
24 try under chapter 1 or 10 of part I or chapter 4 of
25 part II of the Foreign Assistance Act of 1961 (as

1 the case may be), any unencumbered balances of
2 funds which remain in a separate account estab-
3 lished pursuant to subsection (a) shall be disposed of
4 for such purposes as may be agreed to by the gov-
5 ernment of that country and the United States Gov-
6 ernment.

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

17 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

18 (1) If assistance is made available to the gov-
19 ernment of a foreign country, under chapter 1 or 10
20 of part I or chapter 4 of part II of the Foreign As-
21 sistance Act of 1961, as cash transfer assistance or
22 as nonproject sector assistance, that country shall be
23 required to maintain such funds in a separate ac-
24 count and not commingle them with any other
25 funds.

1 (2) APPLICABILITY OF OTHER PROVISIONS OF
2 LAW.—Such funds may be obligated and expended
3 notwithstanding provisions of law which are incon-
4 sistent with the nature of this assistance including
5 provisions which are referenced in the Joint Explan-
6 atory Statement of the Committee of Conference ac-
7 companying House Joint Resolution 648 (House Re-
8 port No. 98–1159).

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

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

1312

1 ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS

2 SEC. 7028. (a) Section 123 of the Foreign Assistance
3 Act of 1961 (22 U.S.C. 2151u) is amended at the end
4 by adding the following new subsection:

5 “(i)(1) Restrictions contained in this or any other Act
6 with respect to assistance for a country shall not be con-
7 strued to restrict assistance in support of programs of
8 nongovernmental organizations from—

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

12 “(B) funds made available for economic assist-
13 ance activities under the Support for East European
14 Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et
15 seq.).

16 “(2) The President shall submit to Congress, in ac-
17 cordance with section 634A, advance notice of an intent
18 to obligate funds under the authority of this subsection
19 to furnish assistance in support of programs of nongovern-
20 mental organizations.

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

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

2 “(A) with respect to section 620A of this Act
3 or any comparable provision of law prohibiting as-
4 sistance to countries that support international ter-
5 rorism; or

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

10 (b) PUBLIC LAW 480.—During fiscal year 2011, re-
11 strictions contained in this or any other Act with respect
12 to assistance for a country shall not be construed to re-
13 strict assistance under the Agricultural Trade Develop-
14 ment and Assistance Act of 1954: *Provided*, That none
15 of the funds appropriated to carry out title I of such Act
16 and made available pursuant to this subsection may be
17 obligated or expended except as provided through the reg-
18 ular notification procedures of the Committees on Appro-
19 priations.

20 IMPACT ON JOBS IN THE UNITED STATES

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

24 (1) any financial incentive to a business enter-
25 prise currently located in the United States for the

1 purpose of inducing such an enterprise to relocate
2 outside the United States if such incentive or in-
3 ducement is likely to reduce the number of employ-
4 ees of such business enterprise in the United States
5 because United States production is being replaced
6 by such enterprise outside the United States; or

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

19 INTERNATIONAL FINANCIAL INSTITUTIONS

20 SEC. 7030. (a) None of the funds appropriated in
21 title V of this Act may be made as payment to any inter-
22 national financial institution while the United States exec-
23 utive director to such institution is compensated by the
24 institution at a rate which, together with whatever com-
25 pensation such executive director receives from the United

1315

1 States, is in excess of the rate provided for an individual
2 occupying a position at level IV of the Executive Schedule
3 under section 5315 of title 5, United States Code, or while
4 any alternate United States executive director to such in-
5 stitution is compensated by the institution at a rate in
6 excess of the rate provided for an individual occupying a
7 position at level V of the Executive Schedule under section
8 5316 of title 5, United States Code.

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

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

1316

1 health care or education; and to promote government
2 spending on healthcare, education, food aid, or other crit-
3 ical safety net programs in all of the Fund's activities with
4 respect to Heavily Indebted Poor Countries.

5 DEBT-FOR-DEVELOPMENT

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

18 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

21 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
22 CERTAIN LOANS.—Notwithstanding any other provi-
23 sion of law, the President may, in accordance with
24 this section, sell to any eligible purchaser any
25 concessional loan or portion thereof made before

1 January 1, 1995, pursuant to the Foreign Assist-
2 ance Act of 1961, to the government of any eligible
3 country as defined in section 702(6) of that Act or
4 on receipt of payment from an eligible purchaser, re-
5 duce or cancel such loan or portion thereof, only for
6 the purpose of facilitating—

7 (A) debt-for-equity swaps, debt-for-develop-
8 ment swaps, or debt-for-nature swaps; or

9 (B) a debt buyback by an eligible country
10 of its own qualified debt, only if the eligible
11 country uses an additional amount of the local
12 currency of the eligible country, equal to not
13 less than 40 percent of the price paid for such
14 debt by such eligible country, or the difference
15 between the price paid for such debt and the
16 face value of such debt, to support activities
17 that link conservation and sustainable use of
18 natural resources with local community develop-
19 ment, and child survival and other child devel-
20 opment, in a manner consistent with sections
21 707 through 710 of the Foreign Assistance Act
22 of 1961, if the sale, reduction, or cancellation
23 would not contravene any term or condition of
24 any prior agreement relating to such loan.

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

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

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

22 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
23 sale, reduction, or cancellation of any loan sold, reduced,
24 or canceled pursuant to this section shall be deposited in

1 the United States Government account or accounts estab-
2 lished for the repayment of such loan.

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

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

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

19 SPECIAL DEBT RELIEF FOR THE POOREST

20 SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The
21 President may reduce amounts owed to the United States
22 (or any agency of the United States) by an eligible country
23 as a result of—

24 (1) guarantees issued under sections 221 and
25 222 of the Foreign Assistance Act of 1961;

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

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

13 (b) LIMITATIONS.—

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

18 (2) The authority provided by subsection (a)
19 may be exercised only in such amounts or to such
20 extent as is provided in advance by appropriations
21 Acts.

22 (3) The authority provided by subsection (a)
23 may be exercised only with respect to countries with
24 heavy debt burdens that are eligible to borrow from
25 the International Development Association, but not

1 from the International Bank for Reconstruction and
2 Development, commonly referred to as “IDA-only”
3 countries.

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

7 (1) does not have an excessive level of military
8 expenditures;

9 (2) has not repeatedly provided support for acts
10 of international terrorism;

11 (3) is not failing to cooperate on international
12 narcotics control matters;

13 (4) (including its military or other security
14 forces) does not engage in a consistent pattern of
15 gross violations of internationally recognized human
16 rights; and

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

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

24 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
25 duction of debt pursuant to subsection (a) shall not be

1 considered assistance for the purposes of any provision of
2 law limiting assistance to a country: *Provided*, That the
3 authority provided by subsection (a) may be exercised not-
4 withstanding section 620(r) of the Foreign Assistance Act
5 of 1961 or section 321 of the International Development
6 and Food Assistance Act of 1975.

7 SPECIAL PROVISIONS

8 SEC. 7034. (a) AFGHANISTAN, PAKISTAN, IRAQ,
9 LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND
10 DISPLACED BURMESE.—Funds appropriated under titles
11 III through VI of this Act that are made available for as-
12 sistance for Afghanistan may be made available notwith-
13 standing section 7012 of this Act or any similar provision
14 of law and section 660 of the Foreign Assistance Act of
15 1961, and funds appropriated under titles III and VI of
16 this Act that are made available for assistance for Paki-
17 stan, Iraq, and Lebanon and for victims of war, displaced
18 children, displaced Burmese, and to assist victims of traf-
19 ficking in persons and, subject to the regular notification
20 procedures of the Committees on Appropriations, to com-
21 bat such trafficking, may be made available notwith-
22 standing any other provision of law.

23 (b) WAIVER.—

24 (1) The President may waive the provisions of
25 section 1003 of Public Law 100–204 if the Presi-

1 dent determines and certifies in writing to the
2 Speaker of the House of Representatives, the Presi-
3 dent pro tempore of the Senate, and the Committees
4 on Appropriations that it is important to the na-
5 tional security interests of the United States.

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

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

18 (d) AUTHORITY REPEALED.—Section 564(g)(4) of
19 Public Law 106–429 and section 3204(f) of division B of
20 Public Law 106–246, as amended, are hereby repealed.

21 (e) RECONSTITUTING CIVILIAN POLICE AUTHOR-
22 ITY.—In providing assistance with funds appropriated by
23 this Act under section 660(b)(6) of the Foreign Assistance
24 Act of 1961, support for a nation emerging from insta-
25 bility may be deemed to mean support for regional, dis-

1 triet, municipal, or other sub-national entity emerging
2 from instability, as well as a nation emerging from insta-
3 bility.

4 (f) EXTENSION OF AUTHORITY.—The Foreign Oper-
5 ations, Export Financing, and Related Programs Appro-
6 priations Act, 1990 (Public Law 101–167) is amended—

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

8 (A) in subsection (b)(3), by striking “and
9 2010” and inserting “2010, and 2011”; and

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

12 (2) in section 599E (8 U.S.C. 1255 note) in
13 subsection (b)(2), by striking “2010” and inserting
14 “2011”.

15 (g) WORLD FOOD PROGRAM.—Of the funds managed
16 by the Bureau for Democracy, Conflict, and Humanitarian
17 Assistance, USAID, from this or any other Act,
18 \$10,000,000 shall be made available as a general contribu-
19 tion to the World Food Program, notwithstanding any
20 other provision of law.

21 (h) DISARMAMENT, DEMOBILIZATION AND RE-
22 INTEGRATION.—Notwithstanding any other provision of
23 law, regulation or Executive order, funds appropriated by
24 this Act and prior Acts making appropriations for the De-
25 partment of State, foreign operations, and related pro-

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

14 (i) PERSONNEL.—The authority provided by section
15 1113 of Public Law 111–32 shall remain in effect through
16 fiscal year 2011: *Provided*, That none of the funds appro-
17 priated or otherwise made available by this Act or any
18 other Act making appropriations for the Department of
19 State, foreign operations, and related programs may be
20 used to implement phase 3 of such authority.

21 (j) CONTINGENCIES.—During fiscal year 2011, the
22 President may use up to \$75,000,000 under the authority
23 of section 451 of the Foreign Assistance Act of 1961, not-
24 withstanding any other provision of law.

1 (k) CONSOLIDATION OF REPORTS.—The Secretary of
2 State, in coordination with the USAID Administrator,
3 shall submit to the Committees on Appropriations not
4 later than 90 days after enactment of this Act rec-
5 ommendations for the consolidation or combination of re-
6 ports (including plans and strategies) that are called for
7 by any provision of law to be submitted to the Congress
8 and that are substantially duplicative of others called for
9 by any other provision of law: *Provided*, That reports are
10 considered “substantially duplicative” if they are required
11 to address at least more than half of the same substantive
12 factors, criteria and issues that are required to be ad-
13 dressed by any other report, and any such consolidated
14 report must address all the substantive factors, criteria
15 and issues required to be addressed in each of the indi-
16 vidual reports: *Provided further*, That reports affected by
17 this subsection are those within the purview of, or pre-
18 pared primarily by, the Department of State and USAID
19 and that relate to matters addressed under this Act or
20 any other Act authorizing or appropriating funds for use
21 by, or actions of, the Department of State or USAID.

22 (l) PROGRAM FOR RESEARCH AND TRAINING ON
23 EASTERN EUROPE AND THE INDEPENDENT STATES OF
24 THE FORMER SOVIET UNION.—Of the funds appropriated
25 by this Act under the heading, “Economic Support Fund”,

1 not less than \$5,000,000 shall be made available to carry
2 out the Program for Research and Training on Eastern
3 Europe and the Independent States of the Former Soviet
4 Union (title VIII) as authorized by the Soviet-Eastern Eu-
5 ropean Research and Training Act of 1983 (22 U.S.C.
6 4501–4508, as amended).

7 (m) INTERNATIONAL FUND FOR IRELAND.—Of the
8 funds appropriated under the heading “Economic Support
9 Fund” in this Act, \$15,000,000 shall be made available
10 for the United States contribution to the International
11 Fund for Ireland to carry out the provisions of chapter
12 4 of part II of the Foreign Assistance Act of 1961 in ac-
13 cordance with the provisions of the Anglo-Irish Agreement
14 Support Act of 1986 (Public Law 99–415): *Provided*,
15 That such amount shall be expended at the minimum rate
16 necessary to make timely payment for projects and activi-
17 ties.

18 (n) DEMOCRACY PROMOTION.—

19 (1) Funds made available by this Act that are
20 made available for the promotion of democracy may
21 be made available notwithstanding any other provi-
22 sion of law, and with regard to the National Endow-
23 ment for Democracy, any regulation.

24 (2) For the purposes of funds appropriated by
25 this Act, the term “promotion of democracy” means

1 programs that support good governance, human
2 rights, independent media, and the rule of law, and
3 otherwise strengthen the capacity of democratic po-
4 litical parties, governments, nongovernmental organi-
5 zations and institutions, and citizens to support the
6 development of democratic states, institutions, and
7 practices that are responsive and accountable to citi-
8 zens.

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

19 (4) With respect to the provision of assistance
20 for democracy, human rights and governance activi-
21 ties in this Act, the organizations implementing such
22 assistance and the specific nature of that assistance
23 shall not be subject to the prior approval by the gov-
24 ernment of any foreign country.

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

22 (A) mechanisms and tools, including censor-
23 ship circumvention technology, to be used to
24 promote expanded access and freedom via the
25 Internet and other forms of connection tech-

1 nology, especially for people living in countries
2 whose governments censor, monitor, distort,
3 and restrict the Internet and other forms of
4 media;

5 (B) the countries which will be focal points
6 for such strategy, and an assessment of options
7 to reach the largest number of people in each
8 country;

9 (C) projected outcomes and metrics for
10 measuring the impact and sustainability of pro-
11 grams established by such funds; and

12 (D) an assessment of the effectiveness of
13 the uses of previously appropriated funds for
14 this purpose.

15 (o) ACCOUNTABILITY REVIEW BOARDS.—The au-
16 thority provided by section 301(a)(3) of the Omnibus Dip-
17 lomatic Security and Antiterrorism Act of 1986 (22
18 U.S.C. 4831(a)(3)) shall remain in effect through Sep-
19 tember 30, 2011.

20 (p) PARTNER VETTING.—Funds appropriated by this
21 Act may be used to implement a Partner Vetting System
22 (PVS) pilot program, including necessary rulemaking:
23 *Provided*, That any such PVS pilot program shall apply
24 equally to the programs and activities of the Department
25 of State and USAID: *Provided further*, That the Secretary

1 of State and the USAID Administrator shall jointly con-
2 sult with the Committees on Appropriations not later than
3 30 days after enactment of this Act on progress imple-
4 menting the PVS pilot program, and preliminary results:
5 *Provided further*, That such funds shall be subject to the
6 regular notification procedures of the Committees on Ap-
7 propriations.

8 (q) MODIFICATION DATE OF REPORT.—Section
9 102(b)(1) of the International Religious Freedom Act of
10 1998 (22 U.S.C. 6412(b)(1) is amended by striking “Sep-
11 tember 1” and inserting “April 1”.

12 (r) PROTECTIONS AND REMEDIES FOR EMPLOYEES
13 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
14 ZATIONS.—The Secretary of State shall implement section
15 203(a)(2) of the William Wilberforce Trafficking Victims
16 Protection Reauthorization Act of 2008 (Public Law 110–
17 457): *Provided*, That in determining whether to suspend
18 the issuance of A–3 or G–5 visas to applicants seeking
19 to work for officials of a diplomatic mission or inter-
20 national organization, the Secretary shall consider wheth-
21 er a final court judgment has been issued against a cur-
22 rent or former employee of such mission or organization
23 (and the time period for a final appeal has expired) or
24 whether the Department of State has requested that im-
25 munity of individual diplomats or family members be

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

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

17 (1) by redesignating the section as section
18 620M;

19 (2) in subsection (a), by striking “evidence”
20 and inserting “information” and by striking “gross
21 violations” and inserting “a gross violation”; and

22 (3) by adding the following subsection:

23 “(d) CREDIBLE INFORMATION.—Not later than 180
24 days after the enactment of this section, the Secretary
25 shall establish procedures to—

1 “(1) ensure that information about gross viola-
2 tions of human rights by units of the security forces
3 of a foreign country is gathered and received (in-
4 cluding from United States Government sources and
5 from individuals and organizations outside the
6 United States Government), maintained, and evalu-
7 ated; and

8 “(2) identify the unit involved when credible in-
9 formation of a gross violation exists but the identity
10 of the unit is lacking.”

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

16 (u) MID-CAREER PILOT PROGRAM.—Notwith-
17 standing any other provision of law, funds appropriated
18 under the heading “Diplomatic and Consular Programs”
19 shall be made available for a pilot program to recruit, hire,
20 and train up to 25 mid-career professionals for the For-
21 eign Service: *Provided*, That the Secretary of State shall
22 consult with the Committees on Appropriations on the pa-
23 rameters of such a pilot program.

24 (v) VIDEOCONFERENCE INTERVIEWS.—

1 (1) The Secretary of State shall develop and
2 conduct a pilot program for the processing of tourist
3 visas using secure remote videoconferencing tech-
4 nology as a method for conducting visa interviews of
5 applicants, and shall work with other Federal agen-
6 cies that use such secure communications to help en-
7 sure security of the videoconferencing transmission
8 and encryption.

9 (2) Not later than 90 days after the end of the
10 pilot program the Secretary of State shall submit a
11 report to the Committees on Appropriations detail-
12 ing the results of such program including rec-
13 ommendations on whether it should be continued,
14 broadened, or modified.

15 (3) The Secretary of State may waive the re-
16 quirement of paragraph (1) if the Secretary deter-
17 mines and reports to the Committees on Appropria-
18 tions that such program poses an undue security
19 risk, such that it cannot be done in a manner con-
20 sistent with maintaining security controls.

21 (w) ANNUITANT WAIVER.—

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

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

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

5 (C) by redesignating paragraph (3) as
6 paragraph (2).

7 (2) Section 61 of the State Department Basic
8 Authorities Act of 1956 (22 U.S.C. 2733) is amend-
9 ed in subsection (a)(2) by striking “2010” and in-
10 sserting “2012”.

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

14 (x) FEES.—

15 (1) Section 1(b)(2) of the Passport Act of June
16 4, 1920 (22 U.S.C. 214(b)(2)) is amended by strik-
17 ing “2010” and inserting instead “2011”.

18 (2) Section 410(a)(1)(A) of title IV of the De-
19 partment of State and Related Agencies Appropria-
20 tions Act, 1999 (contained in division A of Public
21 Law 105–277) is amended by striking “a fee of
22 \$13” and inserting “a fee of not to exceed half the
23 amount of the fee that would otherwise apply for
24 processing a machine readable combined border
25 crossing identification card and non-immigrant visa,

1 and may be increased not more than 50 percent in
2 a fiscal year”.

3 (y) VICTIMS COMPENSATION.—Of the funds appro-
4 priated under the heading “Diplomatic and Consular Pro-
5 grams” in this Act, up to \$4,000,000 may be made avail-
6 able for the purposes described in the sixth proviso, under
7 the terms and conditions of the seventh proviso, under
8 such heading in division J of Public Law 110–161: *Pro-*
9 *vided*, That these funds are in addition to the amount pre-
10 viously appropriated for such purposes.

11 (z) TROPICAL FOREST PROGRAMS.—The second pro-
12 viso of section 7081(d) of Public Law 111–117 is amended
13 to read as follows: “*Provided further*, That Funds appro-
14 priated under title III of this Act for tropical forest pro-
15 grams shall be used for purposes including to implement
16 and enforce section 8204 of Public Law 110–246, shall
17 not be used to support or promote the expansion of indus-
18 trial scale logging into primary tropical forests, and shall
19 be subject to prior consultation with, and the regular noti-
20 fication procedures of, the Committees on Appropria-
21 tions:”.

22 ARAB LEAGUE BOYCOTT OF ISRAEL

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

24 (1) the Arab League boycott of Israel, and the
25 secondary boycott of American firms that have com-

1 mercials ties with Israel, is an impediment to peace
2 in the region and to United States investment and
3 trade in the Middle East and North Africa;

4 (2) the Arab League boycott, which was regret-
5 tably reinstated in 1997, should be immediately and
6 publicly terminated, and the Central Office for the
7 Boycott of Israel immediately disbanded;

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

10 (4) the President and the Secretary of State
11 should continue to vigorously oppose the Arab
12 League boycott of Israel and find concrete steps to
13 demonstrate that opposition by, for example, taking
14 into consideration the participation of any recipient
15 country in the boycott when determining to sell
16 weapons to said country; and

17 (5) the President should report to Congress an-
18 nually on specific steps being taken by the United
19 States to encourage Arab League states to normalize
20 their relations with Israel to bring about the termi-
21 nation of the Arab League boycott of Israel, includ-
22 ing those to encourage allies and trading partners of
23 the United States to enact laws prohibiting busi-
24 nesses from complying with the boycott and penal-
25 izing businesses that do comply.

1 PALESTINIAN STATEHOOD

2 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None
3 of the funds appropriated under titles III through VI of
4 this Act may be provided to support a Palestinian state
5 unless the Secretary of State determines and certifies to
6 the appropriate congressional committees that—

7 (1) the governing entity of a new Palestinian
8 state—

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

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

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

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

3 (B) respect for and acknowledgment of the
4 sovereignty, territorial integrity, and political
5 independence of every state in the area through
6 measures including the establishment of demili-
7 tarized zones;

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

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

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

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the governing entity should enact a constitution
17 assuring the rule of law, an independent judiciary, and
18 respect for human rights for its citizens, and should enact
19 other laws and regulations assuring transparent and ac-
20 countable governance.

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

24 (d) EXEMPTION.—The restriction in subsection (a)
25 shall not apply to assistance intended to help reform the

1 Palestinian Authority and affiliated institutions, or the
2 governing entity, in order to help meet the requirements
3 of subsection (a), consistent with the provisions of section
4 7040 of this Act (“Limitation on Assistance to the Pales-
5 tinian Authority”).

6 RESTRICTIONS CONCERNING THE PALESTINIAN
7 AUTHORITY

8 SEC. 7037. None of the funds appropriated under ti-
9 tles II through VI of this Act may be obligated or ex-
10 pended to create in any part of Jerusalem a new office
11 of any department or agency of the United States Govern-
12 ment for the purpose of conducting official United States
13 Government business with the Palestinian Authority over
14 Gaza and Jericho or any successor Palestinian governing
15 entity provided for in the Israel-PLO Declaration of Prin-
16 ciples: *Provided*, That this restriction shall not apply to
17 the acquisition of additional space for the existing Con-
18 sulate General in Jerusalem: *Provided further*, That meet-
19 ings between officers and employees of the United States
20 and officials of the Palestinian Authority, or any successor
21 Palestinian governing entity provided for in the Israel-
22 PLO Declaration of Principles, for the purpose of con-
23 ducting official United States Government business with
24 such authority should continue to take place in locations
25 other than Jerusalem: *Provided further*, That as has been

1 true in the past, officers and employees of the United
2 States Government may continue to meet in Jerusalem on
3 other subjects with Palestinians (including those who now
4 occupy positions in the Palestinian Authority), have social
5 contacts, and have incidental discussions.

6 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN

7 BROADCASTING CORPORATION

8 SEC. 7038. None of the funds appropriated or other-
9 wise made available by this Act may be used to provide
10 equipment, technical support, consulting services, or any
11 other form of assistance to the Palestinian Broadcasting
12 Corporation.

13 ASSISTANCE FOR THE WEST BANK AND GAZA

14 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2011,
15 30 days prior to the initial obligation of funds for the bi-
16 lateral West Bank and Gaza Program, the Secretary of
17 State shall certify to the Committees on Appropriations
18 that procedures have been established to assure the Comp-
19 troller General of the United States will have access to
20 appropriate United States financial information in order
21 to review the uses of United States assistance for the Pro-
22 gram funded under the heading “Economic Support
23 Fund” for the West Bank and Gaza.

24 (b) VETTING.—Prior to the obligation of funds ap-
25 propriated by this Act under the heading “Economic Sup-

1 port Fund” for assistance for the West Bank and Gaza,
2 the Secretary of State shall take all appropriate steps to
3 ensure that such assistance is not provided to or through
4 any individual, private or government entity, or edu-
5 cational institution that the Secretary knows or has reason
6 to believe advocates, plans, sponsors, engages in, or has
7 engaged in, terrorist activity nor, with respect to private
8 entities or educational institutions, those that have as a
9 principal officer of the entity’s governing board or gov-
10 erning board of trustees any individual that has been de-
11 termined to be involved in, or advocating terrorist activity
12 or determined to be a member of a designated foreign ter-
13 rorist organization: *Provided*, That the Secretary of State
14 shall, as appropriate, establish procedures specifying the
15 steps to be taken in carrying out this subsection and shall
16 terminate assistance to any individual, entity, or edu-
17 cational institution which the Secretary has determined to
18 be involved in or advocating terrorist activity.

19 (c) PROHIBITION.—

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

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

11 (d) AUDITS.—

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

20 (2) Of the funds appropriated by this Act up to
21 \$500,000 may be used by the Office of Inspector
22 General of USAID for audits, inspections, and other
23 activities in furtherance of the requirements of this
24 subsection: *Provided*, That such funds are in addi-
25 tion to funds otherwise available for such purposes.

1 (e) Subsequent to the certification specified in sub-
2 section (a), the Comptroller General of the United States
3 shall conduct an audit and an investigation of the treat-
4 ment, handling, and uses of all funds for the bilateral
5 West Bank and Gaza Program, including all funds pro-
6 vided as cash transfer assistance, in fiscal year 2011
7 under the heading “Economic Support Fund”, and such
8 audit shall address—

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

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

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

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

1 tinian Authority has taken to arrest terrorists, confiscate
2 weapons and dismantle the terrorist infrastructure.

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

13 (f) PROHIBITION TO HAMAS AND THE PALESTINE
14 LIBERATION ORGANIZATION.—

15 (1) None of the funds appropriated in titles III
16 through VI of this Act may be obligated for salaries
17 of personnel of the Palestinian Authority located in
18 Gaza or may be obligated or expended for assistance
19 to Hamas or any entity effectively controlled by
20 Hamas or any power-sharing government of which
21 Hamas is a member.

22 (2) Notwithstanding the limitation of subsection
23 (1), assistance may be provided to a power-sharing
24 government only if the President certifies and re-
25 ports to the Committees on Appropriations that such

1 government, including all of its ministers or such
2 equivalent, has publicly accepted and is complying
3 with the principles contained in section
4 620K(b)(1)(A) and (B) of the Foreign Assistance
5 Act of 1961, as amended.

6 (3) The President may exercise the authority in
7 section 620K(e) of the Foreign Assistance Act as
8 added by the Palestinian Anti-Terrorism Act of
9 2006 (Public Law 109–446) with respect to this
10 subsection.

11 (4) Whenever the certification pursuant to
12 paragraph (2) is exercised, the Secretary of State
13 shall submit a report to the Committees on Appro-
14 priations within 120 days of the certification and
15 every quarter thereafter on whether such govern-
16 ment, including all of its ministers or such equiva-
17 lent are continuing to comply with the principles
18 contained in section 620K(b)(1)(A) and (B) of the
19 Foreign Assistance Act of 1961, as amended: *Pro-*
20 *vided*, That the report shall also detail the amount,
21 purposes and delivery mechanisms for any assistance
22 provided pursuant to the abovementioned certifi-
23 cation and a full accounting of any direct support of
24 such government.

1 ing details on the manner in which such contribu-
2 tions and sustainment will be achieved.

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

10 (5) Not later than 45 days after enactment of
11 this Act, and prior to the initial obligation of funds,
12 the Secretary of State, in consultation with the Ad-
13 ministrator of the United States Agency for Inter-
14 national Development, shall submit to the Commit-
15 tees on Appropriations a spending plan for funds ap-
16 propriated or otherwise made available by this Act
17 for assistance for Iraq, which shall include clear and
18 achievable goals and objectives, indicators and
19 benchmarks for measuring progress, and expected
20 results: *Provided*, That such plan shall not be con-
21 sidered as meeting the notification requirements
22 under section 7015 of this Act or under section
23 634A of the Foreign Assistance Act of 1961.

24 (b) LEBANON.—Funds appropriated under the head-
25 ing “Foreign Military Financing Program” in this Act for

1 assistance for Lebanon shall be made available only to pro-
2 fessionalize the Lebanese Armed Forces and to strengthen
3 border security and combat terrorism, including training
4 and equipping the Lebanese Armed Forces to secure Leb-
5 anon's borders, interdicting arms shipments, preventing
6 the use of Lebanon as a safe haven for terrorist groups,
7 and to implement United Nations Security Council Reso-
8 lution 1701: *Provided*, That funds may not be made avail-
9 able for obligation until the Secretary of State provides
10 the Committees on Appropriations a detailed spending
11 plan: *Provided further*, That such plan shall not be consid-
12 ered as meeting the notification requirements under sec-
13 tion 7015 of this Act or under section 634A of the Foreign
14 Assistance Act of 1961.

15 (c) MIDDLE EAST PEACE.—Not later than 90 days
16 after the date of enactment of this Act, the Secretary of
17 State shall submit to the Committees on Appropriations
18 a strategy for curbing incitement and promoting tolerance
19 in the Middle East region: *Provided*, That funds appro-
20 priated or otherwise made available in this Act for the
21 Middle East Partnership Initiative should be made avail-
22 able to implement such strategy, subject to prior consulta-
23 tion with, and the regular notification procedures of, the
24 Committees on Appropriations.

1 (d) SAUDI ARABIA.—Section 7041 in division F of
2 Public Law 111–117 shall continue in effect during fiscal
3 year 2011 and shall apply as if part of this Act.

4 (e) WEST BANK AND GAZA.—The reporting require-
5 ments regarding the United Nations Relief and Works
6 Agency contained in the joint explanatory statement ac-
7 companying the Supplemental Appropriations Act, 2009
8 (Public Law 111–32) under the heading “Migration and
9 Refugee Assistance” in title XI shall apply to funds made
10 available by this Act under such heading.

11

IRAN SANCTIONS

12 SEC. 7042. (a) The declaration of policy in section
13 3 of the Iran Sanctions Act of 1996 (Public Law 104–
14 172) is incorporated herein.

15 (b) None of the funds appropriated or otherwise
16 made available in title VI of this Act under the heading
17 “Export-Import Bank of the United States” may be used
18 by the Export-Import Bank of the United States to pro-
19 vide any new financing (including loans, guarantees, other
20 credits, insurance, and reinsurance) to any person that is
21 subject to sanctions under paragraph (2) or (3) of section
22 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–
23 172).

1 (c) The reporting requirement in section 7043(e)(2)
2 in division F of Public Law 111–117 shall continue in ef-
3 fect during fiscal year 2011 as if part of this Act.

4 AIRCRAFT TRANSFER AND COORDINATION

5 SEC. 7043. (a) TRANSFER AUTHORITY.—Notwith-
6 standing any other provision of law or regulation, aircraft
7 procured with funds appropriated by this Act and prior
8 Acts making appropriations for the Department of State,
9 foreign operations, and related programs under the head-
10 ings “Diplomatic and Consular Programs”, “International
11 Narcotics Control and Law Enforcement”, “Andean
12 Counterdrug Initiative” and “Andean Counterdrug Pro-
13 grams” may be used for any other program and in any
14 region, including for the transportation of active and
15 standby Civilian Response Corps personnel and equipment
16 during a deployment: *Provided*, That the responsibility for
17 policy decisions and justification for the use of such trans-
18 fer authority shall be the responsibility of the Secretary
19 of State and the Deputy Secretary of State and this re-
20 sponsibility shall not be delegated.

21 (b) PROPERTY DISPOSAL.—The authority provided
22 in subsection (a) shall apply only after a determination
23 by the Secretary of State to the Committees on Appropria-
24 tions that the equipment is no longer required to meet
25 programmatic purposes in the designated country or re-

1 gion: *Provided*, That any such transfer shall be subject
2 to prior consultation with, and the regular notification
3 procedures of, the Committees on Appropriations.

4 (c) AIRCRAFT COORDINATION.—

5 (1) Aircraft purchased or leased by the Depart-
6 ment of State and the United States Agency for
7 International Development (USAID) with funds
8 made available in this Act or prior Acts making ap-
9 propriations for the Department of State, foreign
10 operations, and related programs shall be coordi-
11 nated under the authority of the appropriate Chief
12 of Mission: *Provided*, That such aircraft may be
13 used to transport, on a reimbursable or non-reim-
14 bursable basis, Federal and non-Federal personnel
15 supporting the Department of State and USAID
16 programs and activities: *Provided further*, That offi-
17 cial travel for other agencies for other purposes may
18 be supported on a reimbursable basis, or without re-
19 imbursement when traveling on a space available
20 basis.

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

1 WESTERN HEMISPHERE

2 SEC. 7044. (a) TRADE CAPACITY.—Of the funds ap-
3 propriated by this Act, not less than \$10,000,000 under
4 the heading “Development Assistance” and not less than
5 \$10,000,000 under the heading “Economic Support
6 Fund” shall be made available for labor and environ-
7 mental capacity building activities relating to free trade
8 agreements with countries of Central America, Peru and
9 the Dominican Republic.

10 (b) ASSISTANCE FOR HAITI.—

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

15 (2) Funds appropriated under the heading
16 “Economic Support Fund” in this Act that are
17 made available for assistance for Haiti shall be made
18 available, to the maximum extent practicable, in a
19 manner that emphasizes the participation and lead-
20 ership of Haitian civil society organizations and di-
21 rectly improves the security, economic and social
22 well-being, and political status, of Haitian women
23 and girls.

24 (3) None of the funds made available by this
25 Act under the heading “International Narcotics Con-

1 trol and Law Enforcement” may be used to transfer
2 excess weapons or ammunition of an agency of the
3 United States Government to any individual or unit
4 of the Haitian National Police if the Secretary of
5 State has credible information that such individual
6 or unit has committed a gross violation of inter-
7 nationally recognized human rights or other serious
8 crime.

9 (c) CARIBBEAN BASIN SECURITY INITIATIVE.—

10 (1) Of the funds appropriated by this Act, not
11 more than \$59,900,000 shall be made available for
12 the Caribbean Basin Security Initiative (CBSI), of
13 which not more than \$16,000,000 shall be funds ap-
14 propriated under the heading “Foreign Military Fi-
15 nancing Program” to support military reform and
16 air and maritime operations: *Provided*, That a pri-
17 ority of the CBSI should be to build the capacity
18 and professionalism of civilian police and judicial in-
19 stitutions: *Provided further*, That none of the funds
20 made available under this subsection shall be made
21 available for budget support or as cash payments.

22 (2) SPENDING PLAN.—Not later than 45 days
23 after the date of the enactment of this Act and prior
24 to the initial obligation of funds, the Secretary of
25 State shall submit to the Committees on Appropria-

1 tions a detailed spending plan for the countries of
2 the Caribbean Basin which shall include clear and
3 achievable goals and objectives, indicators and
4 benchmarks for measuring progress, and expected
5 results: *Provided*, That such plan shall not be con-
6 sidered as meeting the notification requirements
7 under section 7015 of this Act or under section
8 634A of the Foreign Assistance Act of 1961.

9 (3) DEFINITION.—For the purposes of this sub-
10 section, “Caribbean Basin Security Initiative” and
11 “countries of the Caribbean Basin” include Antigua
12 and Barbuda, The Bahamas, Barbados, Belize,
13 Dominica, Dominican Republic, Grenada, Guyana,
14 Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia,
15 Saint Vincent and the Grenadines, Suriname, and
16 Trinidad and Tobago.

17 (d) ASSISTANCE FOR GUATEMALA.—

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

24 (2) None of the funds appropriated under the
25 headings “International Military Education and

1 Training” and “Foreign Military Financing Pro-
2 gram” may be made available for assistance for the
3 Guatemalan Army, except that such funds may be
4 made available for the Army Corps of Engineers
5 only to improve disaster response capabilities and to
6 participate in international peacekeeping operations.

7 (e) ASSISTANCE FOR MEXICO.—

8 (1) PROHIBITION.—None of the funds made
9 available in this Act for assistance for Mexico may
10 be made available for budget support or as cash pay-
11 ments.

12 (2) APPLICABILITY OF FISCAL YEAR 2009 PRO-
13 VISIONS.—The provisions of paragraphs (1) through
14 (3) of section 7045(e) of the Department of State,
15 Foreign Operations, and Related Programs Appro-
16 priations Act, 2009 (division H of Public Law 111–
17 8) shall apply to funds appropriated or otherwise
18 made available by this Act for assistance for Mexico,
19 and the report required in that section shall be
20 based on a written determination by the Secretary of
21 State of compliance with each of the requirements in
22 those paragraphs: *Provided*, That the spending plan
23 required in that section shall not be considered as
24 meeting the notification requirements under section

1 7015 of this Act or under section 634A of the For-
2 eign Assistance Act of 1961.

3 (f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL
4 AMERICA.—

5 (1) PROHIBITION.—None of the funds made
6 available in this Act for the countries of Central
7 America may be made available for budget support
8 or as cash payments.

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

11 (A) IN GENERAL.—Except as provided in
12 subparagraph B, the provisions of paragraphs
13 (1) through (3) of section 7045(f) of the De-
14 partment of State, Foreign Operations, and Re-
15 lated Programs Appropriations Act, 2009 (divi-
16 sion H of Public Law 111–8) shall apply to
17 funds appropriated or otherwise made available
18 by this Act for assistance for countries of Cen-
19 tral America.

20 (B) EXCEPTION.—Section 7045(f)(1) of
21 division H of Public Law 111–8 is amended by
22 striking “and ‘Foreign Military Financing Pro-
23 gram’”.

24 (3) DEFINITION.—For the purposes of this sub-
25 section, the term “countries of Central America”

1 means Belize, Costa Rica, El Salvador, Guatemala,
2 Honduras, Nicaragua, and Panama.

3 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—

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

7 COLOMBIA

8 SEC. 7045. (a) ASSISTANCE.—

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

1 forcement” for assistance for Colombia may be used
2 for aerial or manual drug eradication and interdiction,
3 including to transport personnel and supplies
4 and to provide security for such operations, if the
5 Secretary of State determines that voluntary eradication,
6 combined with alternative development programs, including
7 access to land, markets and social services, is not feasible
8 in such areas: *Provided further*, That such aircraft may
9 also be used to provide transport in support of alternative
10 development programs and investigations by civilian judicial
11 authorities: *Provided further*, That the President shall
12 ensure that if any helicopter procured with funds in
13 this Act or prior Acts making appropriations for the
14 Department of State, foreign operations, and related
15 programs, is used to aid or abet the operations of
16 any illegal self-defense group, paramilitary organization,
17 illegal security cooperative or successor organizations
18 in Colombia, such helicopter shall be immediately
19 returned to the United States: *Provided further*, That
20 none of the funds appropriated by this Act or prior Acts
21 making appropriations for the Department of State, foreign
22 operations, and related programs may be made available
23 for assistance for

1 the Colombian Departamento Administrativo de
2 Seguridad or successor organizations.

3 (2) Of the funds available under the heading
4 “International Narcotics Control and Law Enforce-
5 ment” for the Colombian national police for the pro-
6 curement of chemicals for aerial coca and poppy
7 eradication programs, not more than 20 percent of
8 such funds may be made available for such eradi-
9 cation programs unless the Secretary of State cer-
10 tifies to the Committees on Appropriations that: (1)
11 the herbicide is being used in accordance with Envi-
12 ronmental Protection Agency label requirements for
13 comparable use in the United States and with Co-
14 lombian laws; and (2) the herbicide, in the manner
15 it is being used, does not pose unreasonable risks or
16 adverse effects to humans or the environment, in-
17 cluding endemic species: *Provided*, That such funds
18 may not be made available unless the Secretary of
19 State certifies to the Committees on Appropriations
20 that any complaints of harm to health or licit crops
21 caused by such aerial eradication are thoroughly in-
22 vestigated and evaluated, and fair compensation is
23 being paid in a timely manner for meritorious
24 claims: *Provided further*, That such funds may not
25 be made available for such purposes unless programs

1 are being implemented by the United States Agency
2 for International Development, the Government of
3 Colombia, or other organizations, in consultation
4 and coordination with local communities, to provide
5 alternative sources of income in areas where security
6 permits for small-acreage growers and communities
7 whose illicit crops are targeted for aerial eradication:
8 *Provided further*, That none of the funds appro-
9 priated by this Act for assistance for Colombia shall
10 be made available for the cultivation or processing of
11 African oil palm, if doing so would contribute to sig-
12 nificant loss of native species, disrupt or contami-
13 nate natural water sources, reduce local food secu-
14 rity, or cause the forced displacement of local people:
15 *Provided further*, That funds appropriated by this
16 Act may not be used for aerial eradication in Colom-
17 bia's national parks or reserves unless the Secretary
18 of State certifies to the Committees on Appropria-
19 tions on a case-by-case basis that there are no effec-
20 tive alternatives and the eradication is conducted in
21 accordance with Colombian laws.

22 (b) APPLICABILITY OF FISCAL YEAR 2009 PROVI-
23 SIONS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the provisions of subsections (b) through

1 (f) of section 7046 of the Department of State, For-
2 eign Operations, and Related Programs Appropria-
3 tions Act, 2009 (division H of Public Law 111–8),
4 as amended by section 7046 (b)(2)(A) of division F
5 of Public Law 111–117, shall apply to funds appro-
6 priated or otherwise made available by this Act for
7 assistance for Colombia.

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

13 (A) Subsection (b)(1)(B) is amended as
14 follows:

15 (i) By striking clause (i) and inserting
16 the following:

17 “(i) The Colombian Armed Forces are
18 suspending those members, of whatever
19 rank, who have been credibly alleged to
20 have violated internationally recognized
21 human rights, or to have aided, abetted or
22 benefitted from paramilitary organizations
23 or successor armed groups; all such cases
24 are promptly referred to civilian jurisdic-
25 tion for investigation and prosecution, and

1 the Colombian Armed Forces are no longer
2 opposing civilian judicial jurisdiction in
3 such cases; and the Colombian Armed
4 Forces are cooperating fully with civilian
5 prosecutors and judicial authorities.”.

6 (ii) By striking clause (iv) and insert-
7 ing the following:

8 “(iv) The Government of Colombia is
9 respecting the rights of human rights de-
10 fenders, journalists, trade unionists, and
11 other social activists, and the rights and
12 territory of indigenous and Afro-Colombian
13 communities; and the Colombian Armed
14 Forces are implementing procedures to dis-
15 tinguish between civilians, including dis-
16 placed persons, and combatants, in their
17 operations.”.

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

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

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

1365

- 1 (i) by substituting “18,000,000” for
2 the dollar amount contained therein; and
3 (ii) by substituting “fiscal year 2011”
4 for the fiscal year contained therein.

5 SERBIA

6 SEC. 7046. (a) Funds appropriated by this Act may
7 be made available for assistance for the central Govern-
8 ment of Serbia after May 31, 2011, if the Secretary of
9 State has submitted the report required in subsection (c).

10 (b) After May 31, 2011, the Secretary of the Treas-
11 ury should instruct the United States executive directors
12 of the international financial institutions to support loans
13 and assistance to the Government of Serbia subject to the
14 condition in subsection (c).

15 (c) The report referred to in subsection (a) is a report
16 by the Secretary of State to the Committees on Appropria-
17 tions that the Government of Serbia is cooperating with
18 the International Criminal Tribunal for the former Yugo-
19 slavia including access to investigators, the provision of
20 documents, timely information on the location, movement,
21 and sources of financial support of indictees, and the sur-
22 render and transfer of indictees or assistance in their ap-
23 prehension, including Ratko Mladic and Goran Hadzic.

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

1366

1 COMMUNITY-BASED POLICE ASSISTANCE

2 SEC. 7047. (a) AUTHORITY.—Funds made available
3 by titles III and IV of this Act to carry out the provisions
4 of chapter 1 of part I and chapters 4 and 6 of part II
5 of the Foreign Assistance Act of 1961, may be used, not-
6 withstanding section 660 of that Act, to enhance the effec-
7 tiveness and accountability of civilian police authority
8 through training and technical assistance in human rights,
9 prevention and response to gender-based violence, rule of
10 law, anti-corruption, strategic planning, and through as-
11 sistance to foster civilian police roles that support demo-
12 cratic governance including assistance for programs to
13 prevent conflict, respond to disasters, address gender-
14 based violence, and foster improved police relations with
15 the communities they serve.

16 (b) NOTIFICATION.—Assistance provided under sub-
17 section (a) shall be subject to prior consultation with, and
18 the regular notification procedures of, the Committees on
19 Appropriations.

20 PROHIBITION OF PAYMENTS TO UNITED NATIONS

21 MEMBERS

22 SEC. 7048. None of the funds appropriated or made
23 available pursuant to titles III through VI of this Act for
24 carrying out the Foreign Assistance Act of 1961, may be
25 used to pay in whole or in part any assessments, arrear-

1 ages, or dues of any member of the United Nations or,
2 from funds appropriated by this Act to carry out chapter
3 1 of part I of the Foreign Assistance Act of 1961, the
4 costs for participation of another country's delegation at
5 international conferences held under the auspices of multi-
6 lateral or international organizations.

7 WAR CRIMES TRIBUNALS DRAWDOWN

8 SEC. 7049. If the President determines that doing so
9 will contribute to a just resolution of charges regarding
10 genocide or other violations of international humanitarian
11 law, the President may direct a drawdown pursuant to sec-
12 tion 552(c) of the Foreign Assistance Act of 1961 of up
13 to \$30,000,000 of commodities and services for the United
14 Nations War Crimes Tribunal established with regard to
15 the former Yugoslavia by the United Nations Security
16 Council or such other tribunals or commissions as the
17 Council may establish or authorize to deal with such viola-
18 tions, without regard to the ceiling limitation contained
19 in paragraph (2) thereof: *Provided*, That the determina-
20 tion required under this section shall be in lieu of any de-
21 terminations otherwise required under section 552(c): *Pro-*
22 *vided further*, That funds made available pursuant to this
23 section shall be made available subject to the regular noti-
24 fication procedures of the Committees on Appropriations.

1368

1 PEACEKEEPING

2 SEC. 7050. (a) MISSIONS.—None of the funds appro-
3 priated or otherwise made available by title I of this Act
4 may be used for any United Nations peacekeeping mission
5 that will involve United States Armed Forces under the
6 command or operational control of a foreign national, un-
7 less the President’s military advisors have submitted to
8 the President a recommendation that such involvement is
9 in the national interests of the United States and the
10 President has submitted to the Congress such a rec-
11 ommendation.

12 (b) ASSESSMENT.—Section 404(b)(2)(B)(vi) of the
13 Foreign Relations Authorization Act, Fiscal Years 1994
14 and 1995 (22 U.S.C. 287e note) is amended to read as
15 follows:

16 “(vi) For assessments made during
17 calendar year 2010 and 2011, 27.3 per-
18 cent.”.

19 ATTENDANCE AT INTERNATIONAL CONFERENCES

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

1 Secretary of State reports to the Committees on Appro-
2 priations that such attendance is in the national interest:
3 *Provided*, That for purposes of this section the term
4 “international conference” shall mean a conference at-
5 tended by representatives of the United States Govern-
6 ment and of foreign governments, international organiza-
7 tions, or nongovernmental organizations.

8 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

9 SEC. 7052. None of the funds made available under
10 title I of this Act may be used to pay expenses for any
11 United States delegation to any specialized agency, body,
12 or commission of the United Nations if such commission
13 is chaired or presided over by a country, the government
14 of which the Secretary of State has determined, for pur-
15 poses of section 6(j)(1) of the Export Administration Act
16 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
17 national terrorism.

18 PARKING FINES AND REAL PROPERTY TAXES OWED BY

19 FOREIGN GOVERNMENTS

20 SEC. 7053. (a) Subject to subsection (e), of the funds
21 appropriated under titles III through VI of this Act that
22 are made available for assistance for a foreign country,
23 an amount equal to 110 percent of the total amount of
24 the unpaid fully adjudicated parking fines and penalties
25 and unpaid property taxes owed by the central government

1 of such country shall be withheld from obligation for as-
2 sistance for the central government of such country until
3 the Secretary of State submits a certification to the Com-
4 mittees on Appropriations stating that such parking fines
5 and penalties and unpaid property taxes are fully paid.

6 (b) Funds withheld from obligation pursuant to sub-
7 section (a) may be made available for other programs or
8 activities funded by this Act, after consultation with and
9 subject to the regular notification procedures of the Com-
10 mittees on Appropriations, provided that no such funds
11 shall be made available for assistance for the central gov-
12 ernment of a foreign country that has not paid the total
13 amount of the fully adjudicated parking fines and pen-
14 alties and unpaid property taxes owed by such country.

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

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

23 (2) The Secretary of State may waive the require-
24 ments set forth in subsection (a) with respect to the un-
25 paid property taxes if the Secretary of State determines

1 that it is in the national interests of the United States
2 to do so.

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

11 (f) In this section:

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

15 (A)(i) has not responded to the parking
16 violation summons; or

17 (ii) has not followed the appropriate adju-
18 dication procedure to challenge the summons;

19 and

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

22 (2) The term “parking fines and penalties”
23 means parking fines and penalties—

24 (A) owed to—

25 (i) the District of Columbia; or

1 (ii) New York, New York; and
2 (B) incurred during the period April 1,
3 1997, through September 30, 2010.

4 (3) The term “unpaid property taxes” means
5 the amount of unpaid taxes and interest determined
6 to be owed by a foreign country on real property in
7 the District of Columbia or New York, New York in
8 a court order or judgment entered against such
9 country by a court of the United States or any State
10 or subdivision thereof.

11 LANDMINES AND CLUSTER MUNITIONS

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

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

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

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

12 PROHIBITION ON PUBLICITY OR PROPAGANDA

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

20 LIMITATION ON RESIDENCE EXPENSES

21 SEC. 7056. Of the funds appropriated or made avail-
22 able pursuant to title II of this Act, not to exceed
23 \$100,500 shall be for official residence expenses of the
24 United States Agency for International Development dur-
25 ing the current fiscal year: *Provided*, That appropriate

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

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

7 SEC. 7057. (a) AUTHORITY.—Up to \$93,000,000 of
8 the funds made available in title III of this Act to carry
9 out the provisions of part I of the Foreign Assistance Act
10 of 1961, including funds appropriated under the heading
11 “Assistance for Europe, Eurasia and Central Asia”, may
12 be used by the United States Agency for International De-
13 velopment (USAID) to hire and employ individuals in the
14 United States and overseas on a limited appointment basis
15 pursuant to the authority of sections 308 and 309 of the
16 Foreign Service Act of 1980.

17 (b) RESTRICTIONS.—

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

21 (2) The authority to hire individuals contained
22 in subsection (a) shall expire on September 30,
23 2012.

24 (c) CONDITIONS.—The authority of subsection (a)
25 should only be used to the extent that an equivalent num-

1 ber of positions that are filled by personal services contrac-
2 tors or other nondirect hire employees of USAID, who are
3 compensated with funds appropriated to carry out part I
4 of the Foreign Assistance Act of 1961, including funds
5 appropriated under the heading “Assistance for Europe,
6 Eurasia and Central Asia”, are eliminated.

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

12 (e) CONSULTATIONS.—The USAID Administrator
13 shall consult with the Committees on Appropriations on
14 a quarterly basis concerning the implementation of this
15 section.

16 (f) PROGRAM ACCOUNT CHARGED.—The account
17 charged for the cost of an individual hired and employed
18 under the authority of this section shall be the account
19 to which such individual’s responsibilities primarily relate:
20 *Provided*, That funds made available to carry out this sec-
21 tion may be transferred to, and merged with, funds appro-
22 priated by this Act in title II under the heading “Oper-
23 ating Expenses”.

24 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
25 viduals hired and employed by USAID, with funds made

1 available in this Act or prior Acts making appropriations
2 for the Department of State, foreign operations, and re-
3 lated programs, pursuant to the authority of section 309
4 of the Foreign Service Act of 1980, may be extended for
5 a period of up to 4 years notwithstanding the limitation
6 set forth in such section.

7 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of
8 the funds made available in subsection (a), USAID may
9 use, in addition to funds otherwise available for such pur-
10 poses, up to \$15,000,000 to fund overseas support costs
11 of members of the Foreign Service with a Foreign Service
12 rank of four or below: *Provided*, That such authority is
13 only used to reduce USAID’s reliance on overseas personal
14 services contractors or other nondirect hire employees
15 compensated with funds appropriated to carry out part I
16 of the Foreign Assistance Act of 1961, including funds
17 appropriated under the heading “Assistance for Europe,
18 Eurasia and Central Asia”.

19 (i) DISASTER SURGE CAPACITY.—Funds appro-
20 priated under title III of this Act to carry out part I of
21 the Foreign Assistance Act of 1961, including funds ap-
22 propriated under the heading “Assistance for Europe,
23 Eurasia and Central Asia”, may be used, in addition to
24 funds otherwise available for such purposes, for the cost
25 (including the support costs) of individuals detailed to or

1 employed by USAID whose primary responsibility is to
2 carry out programs in response to natural disasters.

3 (j) TECHNICAL ADVISORS.—Up to \$13,500,000 of
4 the funds made available in title III of this Act for assist-
5 ance under the heading “Global Health and Child Sur-
6 vival”, may be used to reimburse United States Govern-
7 ment agencies, agencies of State governments, institutions
8 of higher learning, and private and voluntary organiza-
9 tions for the full cost of individuals (including for the per-
10 sonal services of such individuals) detailed or assigned to,
11 or contracted by USAID for the purpose of carrying out
12 activities under that heading: *Provided*, That up to
13 \$3,500,000 of the funds made available by this Act for
14 assistance under the heading “Development Assistance”
15 may be used to reimburse such agencies, institutions, and
16 organizations for such costs of such individuals carrying
17 out other development assistance activities.

18 (k) PERSONAL SERVICES CONTRACTORS.—Funds ap-
19 propriated by this Act to carry out chapter 1 of part I,
20 chapter 4 of part II, and section 667 of the Foreign As-
21 sistance Act of 1961, and title II of the Agricultural Trade
22 Development and Assistance Act of 1954, may be used
23 by USAID to employ up to 40 personal services contrac-
24 tors in the United States, notwithstanding any other pro-
25 vision of law, for the purpose of providing direct, interim

1 support for new or expanded overseas programs and ac-
2 tivities managed by the agency until permanent direct hire
3 personnel are hired and trained: *Provided*, That not more
4 than 10 of such contractors shall be assigned to any bu-
5 reau or office: *Provided further*, That not more than 15
6 of such contractors shall be for activities related to
7 USAID's Afghanistan or Pakistan program: *Provided fur-*
8 *ther*, That such funds appropriated to carry out title II
9 of the Agricultural Trade Development and Assistance Act
10 of 1954, may be made available only for personal services
11 contractors assigned to the Office of Food for Peace.

12 (l) HIRING AUTHORITY.—Notwithstanding section
13 307 of the Foreign Service Act of 1980, the USAID Ad-
14 ministrator may hire up to 85 individuals under the Devel-
15 opment Leadership Initiative: *Provided*, That the author-
16 ity contained in this subsection shall expire on September
17 30, 2012.

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

23 (n) SENIOR FOREIGN SERVICE LIMITED APPOINT-
24 MENTS.—Individuals hired pursuant to the authority pro-
25 vided by section 7059(o) of division F of Public Law 111–

1 117 may be assigned to or support programs in Iraq, Af-
2 ghanistan, or Pakistan with funds made available in this
3 Act and prior Acts making appropriations for the Depart-
4 ment of State, foreign operations, and related programs.

5 GLOBAL HEALTH ACTIVITIES

6 SEC. 7058. Funds appropriated by title III of this
7 Act that are made available for bilateral assistance for
8 child survival activities or disease programs including ac-
9 tivities relating to research on, and the prevention, treat-
10 ment and control of, HIV/AIDS may be made available
11 notwithstanding any other provision of law except for the
12 provisions under the heading “Global Health and Child
13 Survival” and the United States Leadership Against HIV/
14 AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat.
15 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That
16 of the funds appropriated under title III of this Act, not
17 less than \$710,000,000 shall be made available for family
18 planning/reproductive health, including in areas where
19 population growth threatens biodiversity or endangered
20 species.

21 DEVELOPMENT GRANTS PROGRAM

22 SEC. 7059. Of the funds appropriated in title III of
23 this Act, not less than \$45,000,000 shall be made avail-
24 able for the Development Grants Program established pur-
25 suant to section 674 of the Department of State, Foreign

1 Operations, and Related Programs Appropriations Act,
2 2008 (division J of Public Law 110–161), a significant
3 portion of which is for unsolicited proposals, to support
4 grants of not more than \$2,000,000 to small nongovern-
5 mental organizations: *Provided*, That funds made available
6 under this section are in addition to other funds available
7 for such purposes including funds designated by this Act
8 by section 7063.

9
10 WOMEN IN DEVELOPMENT

11 SEC. 7060. (a) Programs funded under title III of
12 this Act shall include, where appropriate, gender consider-
13 ations in the planning, assessment, implementation, moni-
14 toring and evaluation of such programs.

15 (b) Funds made available under title III of this Act
16 shall be made available to support programs to enhance
17 economic opportunities for poor women in developing
18 countries, including increasing the number and capacity
19 of women-owned enterprises, improving property rights for
20 women, increasing access to financial services, and im-
21 proving women’s ability to participate in the global econ-

22 (c) Funds made available under title III of this Act
23 for food security and agricultural development shall take
24 into consideration the unique needs of women, and tech-
25 nical assistance for women farmers should be a priority.

1 GENDER-BASED VIOLENCE

2 SEC. 7061. (a) Funds appropriated under the head-
3 ings “Development Assistance”, “Economic Support
4 Fund”, and “International Narcotics Control and Law
5 Enforcement” in this Act shall be made available for pro-
6 grams to address sexual and gender-based violence.

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

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

18 (d) The Secretary of State should seek to ensure that
19 programs funded under titles III and IV of this Act are
20 consistent with United Nations Security Council resolu-
21 tions 1325, 1820 and 1888 in their design and implemen-
22 tation, as appropriate.

23 (e) The Secretary of State, in consultation with the
24 Administrator of the United States Agency for Inter-
25 national Development, shall identify critical or widespread

1 incidents of violence against women and girls in situations
2 of armed conflict, develop emergency response measures,
3 and consult with Congress on implementation plans.

4 EDUCATION

5 SEC. 7062. (a) BASIC EDUCATION.—

6 (1) Of the funds appropriated by title III of
7 this Act, not less than \$925,000,000 should be made
8 available for assistance for basic education, of which
9 not less than \$355,000,000 shall be made available
10 under the heading “Development Assistance”: *Pro-*
11 *vided*, That funding provided under the headings
12 “Development Assistance” and “Economic Support
13 Fund” should be used to provide a continuity of as-
14 sistance for basic education in humanitarian and
15 other emergency situations.

16 (2) The United States Agency for International
17 Development (USAID) shall ensure that programs
18 supported by funding appropriated for basic edu-
19 cation in this Act, and prior Acts, are integrated, as
20 appropriate, with other health, agriculture and eco-
21 nomic development funding, and provide a quality
22 education: *Provided*, That schools supported by
23 funding in this Act and in prior Acts should serve
24 as “Communities of Learning” and should be the

1 focal point for health, education and development ac-
2 tivities, as appropriate.

3 (3) Of the funds appropriated by title III of
4 this Act for basic education, up to \$25,000,000 shall
5 be made available as a contribution to the Fast
6 Track Initiative's Catalytic Fund.

7 (4) USAID shall serve as the coordinating
8 agency for United States Government basic edu-
9 cation programs globally.

10 (b) HIGHER EDUCATION.—Of the funds appropriated
11 by title III of this Act, not less than \$225,000,000 shall
12 be made available for assistance for higher education.

13 RECONCILIATION PROGRAMS

14 SEC. 7063. Of the funds appropriated by title III of
15 this Act under the headings "Economic Support Fund"
16 and "Development Assistance", \$27,000,000 shall be
17 made available to support people to people reconciliation
18 programs which bring together individuals of different eth-
19 nic, religious and political backgrounds from areas of civil
20 strife and war, of which \$11,000,000 shall be made avail-
21 able for such programs in the Middle East: *Provided*, That
22 the Administrator of the United States Agency for Inter-
23 national Development shall consult with the Committees
24 on Appropriations, prior to the initial obligation of funds,
25 on the most effective uses of such funds.

1 COMPREHENSIVE EXPENDITURES REPORT

2 SEC. 7064. Not later than 180 days after the date
3 of enactment of this Act, the Secretary of State shall sub-
4 mit a report to the Committees on Appropriations detail-
5 ing the total amount of United States Government ex-
6 penditures in fiscal years 2009 and 2010, by Federal
7 agency, for assistance programs and activities in each for-
8 eign country, identifying the line item as presented in the
9 President's Budget Appendix and the purpose for which
10 the funds were provided: *Provided*, That if required, infor-
11 mation may be submitted in classified form.

12 REQUESTS FOR DOCUMENTS

13 SEC. 7065. None of the funds appropriated or made
14 available pursuant to titles III through VI of this Act shall
15 be available to a nongovernmental organization, including
16 any contractor, which fails to provide upon timely request
17 any document, file, or record necessary to the auditing re-
18 quirements of the United States Agency for International
19 Development.

20 PROHIBITION ON USE OF TORTURE

21 SEC. 7066. (a) None of the funds made available in
22 this Act shall be used in any way whatsoever to support
23 or justify the use of torture, cruel or inhumane treatment
24 by any official or contract employee of the United States
25 Government.

1385

1 (b) Not later than 90 days after enactment of this
2 Act, the Secretary of State shall submit to the Committees
3 on Appropriations a report identifying those countries
4 whose police, military, or other security forces use torture,
5 as determined by the Assistant Secretary of State for De-
6 mocracy, Human Rights and Labor based on the Depart-
7 ment of State's most recent Human Rights Report and
8 other relevant information.

9 (c) Funds appropriated by this Act to carry out the
10 provisions of chapters 1, 10, 11, and 12 of part I and
11 chapter 4 of part II of the Foreign Assistance Act of 1961,
12 and the Support for East European Democracy (SEED)
13 Act of 1989, shall be made available, notwithstanding sec-
14 tion 660 of the Foreign Assistance Act of 1961, for assist-
15 ance to help eliminate torture by foreign police, military
16 or other security forces.

17

AFRICA

18 SEC. 7067. (a) EXPANDED INTERNATIONAL MILI-
19 TARY EDUCATION AND TRAINING.—

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

1 peacekeeping operations and expanded international
2 military education and training.

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

7 (b) ETHIOPIA.—

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

13 (A) certifies to the Committees on Appro-
14 priations that the Government of Ethiopia is
15 making significant efforts to respect due proc-
16 ess and the rights of its citizens to peaceful ex-
17 pression and association, and is permitting ac-
18 cess to independent human rights and humani-
19 tarian organizations to the Somalia region of
20 Ethiopia; and

21 (B) submits a report to such Committees
22 on the types and amounts of United States
23 training and equipment proposed to be provided
24 to the Ethiopian military including steps that
25 will be taken to ensure that such assistance is

1 not provided to military units or personnel that
2 have violated internationally recognized human
3 rights, and steps taken by the Government of
4 Ethiopia to investigate and prosecute members
5 of the Ethiopian military who have been
6 credibly alleged to have violated such rights.

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

12 (c) CONFLICT MINERALS.—

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

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

1 prevent the illegal exportation of minerals out of the
2 DRC by such groups, to protect relief efforts, or to
3 support the training and deployment of members of
4 the Rwandan or Ugandan militaries in international
5 peacekeeping operations.

6 (d) SUDAN LIMITATION ON ASSISTANCE.—

7 (1) Subject to paragraph (2):

8 (A) Notwithstanding any other provision of
9 law, none of the funds appropriated by this Act
10 may be made available for assistance for the
11 Government of Sudan.

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

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

24 (A) The Government of Sudan honors its
25 pledges to cease attacks upon civilians and dis-

1 arms and demobilizes the Janjaweed and other
2 government-supported militias;

3 (B) The Government of Sudan and all gov-
4 ernment-supported militia groups are honoring
5 their commitments made in all previous cease-
6 fire agreements; and

7 (C) The Government of Sudan is allowing
8 unimpeded access to Darfur to humanitarian
9 aid organizations, the human rights investiga-
10 tion and humanitarian teams of the United Na-
11 tions, including protection officers, and an
12 international monitoring team that is based in
13 Darfur and has the support of the United
14 States.

15 (3) The provisions of paragraph (1) shall not
16 apply to—

17 (A) humanitarian assistance;

18 (B) assistance for the Darfur region,
19 Southern Sudan, Southern Kordofan/Nuba
20 Mountains State, Blue Nile State, and Abyei;
21 and

22 (C) assistance to support implementation
23 of the Comprehensive Peace Agreement and the
24 Darfur Peace Agreement or any other inter-

1 nationally recognized viable peace agreement in
2 Sudan.

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

6 (5) Notwithstanding any other provision of law,
7 assistance in this Act may be made available to the
8 Government of Southern Sudan to provide non-lethal
9 military assistance, military education and training,
10 and defense services controlled under the Inter-
11 national Traffic in Arms Regulations (22 CFR
12 120.1 et seq.) if the Secretary of State—

13 (A) determines that the provision of such
14 items is in the national interest of the United
15 States; and

16 (B) not later than 15 days before the pro-
17 vision of any such assistance, notifies the Com-
18 mittees on Appropriations of such determina-
19 tion.

20 (e) SOUTHERN SUDAN.—The Secretary of State shall
21 obtain regular audits of the financial accounts of the Gov-
22 ernment of Southern Sudan to ensure transparency and
23 accountability of funds, including revenues from the ex-
24 traction of oil and gas, and the public disclosure of such
25 audits in a timely manner: *Provided*, That in determining

1 amounts and types of United States assistance to make
2 available to the Government of Southern Sudan, the Sec-
3 retary shall consider the extent to which such government
4 is ensuring transparency and accountability of funds: *Pro-*
5 *vided further*, That the Secretary shall, as appropriate, as-
6 sist the Government of Southern Sudan in conducting
7 such audits, and shall submit a report not later than 90
8 days after enactment of this Act to the Committees on
9 Appropriations detailing the steps that will be taken by
10 the Government of Southern Sudan, which are additional
11 to those which were taken in the previous fiscal year, to
12 improve resource management and ensure transparency
13 and accountability of funds.

14 (f) THE GAMBIA.—The Secretary of the Treasury
15 shall instruct the United States executive directors of the
16 international financial institutions to vote against any
17 loan, agreement, or other financial support for The Gam-
18 bia, except to meet basic human needs, unless the Sec-
19 retary of State certifies to the Committees on Appropria-
20 tions that the Government of The Gambia is making sig-
21 nificant efforts to release and account for political pris-
22 oners, including Ebrimah Manneh.

23 (g) WAR CRIMES IN AFRICA.—

24 (1) The Congress reaffirms its support for the
25 efforts of the International Criminal Tribunal for

1 Rwanda (ICTR) and the Special Court for Sierra
2 Leone (SCSL) to bring to justice individuals respon-
3 sible for war crimes and crimes against humanity in
4 a timely manner.

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

22 (3) The prohibition in paragraph (2) may be
23 waived on a country-by-country basis if the Presi-
24 dent determines that doing so is in the national se-
25 curity interest of the United States: *Provided,* That

1 prior to exercising such waiver authority, the Presi-
2 dent shall submit a report to the Committees on Ap-
3 propriations, in classified form if necessary, on—

4 (A) the steps being taken to obtain the co-
5 operation of the government in surrendering the
6 indictee in question to the court of jurisdiction;

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

9 (C) the justification for exercising the
10 waiver authority.

11 (h) ZIMBABWE.—

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

23 (2) None of the funds appropriated by this Act
24 shall be made available for assistance for the central
25 Government of Zimbabwe, except for health, edu-

1 cation, and macroeconomic growth assistance, unless
2 the Secretary of State makes the determination pur-
3 suant to paragraph (1).

4 ASIA

5 SEC. 7068. (a) TIBET.—

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

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

1 communities in the Tibetan Autonomous Region and
2 in other Tibetan communities in China.

3 (b) BURMA.—

4 (1) The Secretary of the Treasury shall instruct
5 the United States executive director of each inter-
6 national financial institution to oppose and vote
7 against the extension by such institution of any loan
8 or financial or technical assistance or any other utili-
9 zation of funds of the respective bank to and for
10 Burma.

11 (2) Funds appropriated by this Act may be
12 made available for assistance for Burma notwith-
13 standing any other provision of law, except no such
14 funds shall be made available to the State Peace and
15 Development Council, or its successor, and its affili-
16 ated organizations: *Provided*, That such funds shall
17 be made available to support programs in Burma,
18 along Burma's borders, and for Burmese groups and
19 organizations located outside Burma: *Provided fur-*
20 *ther*, That not less than \$5,000,000 shall be made
21 available for community-based organizations oper-
22 ating in Thailand to provide food, medical, and other
23 humanitarian assistance to internally displaced per-
24 sons in eastern Burma, in addition to assistance for
25 Burmese refugees appropriated under the heading

1 “Migration and Refugee Assistance” in this Act:
2 *Provided further*, That any new program or activity
3 initiated with funds made available by this Act shall
4 be subject to prior consultation with the Committees
5 on Appropriations, and all such funds shall be sub-
6 ject to the regular notification procedures of the
7 Committees on Appropriations.

8 (c) CAMBODIA.—

9 (1) Funds made available in this Act for a
10 United States contribution to a Khmer Rouge tri-
11 bunal may only be made available if the Secretary
12 of State certifies to the Committees on Appropria-
13 tions that the United Nations and the Government
14 of Cambodia are taking effective steps to address al-
15 legations of corruption and mismanagement within
16 the tribunal.

17 (2) Not later than 30 days after enactment of
18 this Act, the Secretary of State shall submit a report
19 to the Committees on Appropriations listing Cam-
20 bodian officials known to have been involved in the
21 decision to repatriate 20 Uigher asylum seekers
22 from Cambodia to the People’s Republic of China in
23 December 2009: *Provided*, That such report shall be
24 posted on the Department of State’s public Web site

1 not more than 7 days after such report is trans-
2 mitted to Congress.

3 (d) INDONESIA.—

4 (1) Of the funds appropriated by this Act under
5 the heading “Foreign Military Financing Program”
6 that are available for assistance for Indonesia,
7 \$2,000,000 may not be obligated until the Secretary
8 of State submits to the Committees on Appropria-
9 tions the report on Indonesia detailed under such
10 heading in Senate Report 111–237: *Provided*, That
11 such report shall include steps taken by the Govern-
12 ment of Indonesia to guarantee freedom of expres-
13 sion in Papua and the southern Moluccan Islands.

14 (2) Of the funds appropriated by this Act under
15 the heading “Economic Support Fund” that are
16 available for assistance for Indonesia, not less than
17 \$400,000 should be made available for grants for ca-
18 pacity building of Indonesian human rights organi-
19 zations, including in Papua.

20 (e) NORTH KOREA.—

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

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

10 (f) PEOPLE’S REPUBLIC OF CHINA.—

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

19 (2) The terms and requirements of section
20 620(h) of the Foreign Assistance Act of 1961 shall
21 apply to foreign assistance projects or activities of
22 the People’s Liberation Army (PLA) of the People’s
23 Republic of China, to include such projects or activi-
24 ties by any entity that is owned or controlled by, or
25 an affiliate of, the PLA: *Provided*, That none of the

1 funds appropriated or otherwise made available pur-
2 suant to this Act may be used to finance any grant,
3 contract, or cooperative agreement with the PLA, or
4 any entity that the Secretary of State has reason to
5 believe is owned or controlled by, or an affiliate of,
6 the PLA.

7 (3) Notwithstanding any other provision of law
8 and subject to prior consultation with, and the reg-
9 ular notification procedures of, the Committees on
10 Appropriations, of the funds appropriated by this
11 Act under the heading “Development Assistance”,
12 not less than \$15,000,000 shall be made available to
13 United States educational institutions and non-
14 governmental organizations for programs and activi-
15 ties in the People’s Republic of China relating to the
16 environment, governance, and the rule of law.

17 (g) PHILIPPINES.—Of the funds appropriated by this
18 Act under the heading “Foreign Military Financing Pro-
19 gram” that are available for assistance for the Philippines,
20 \$3,000,000 may not be obligated until the Secretary of
21 State submits to the Committees on Appropriations the
22 report on the Philippines detailed under such heading in
23 Senate Report 111–237.

24 (h) TIMOR-LESTE.—Of the funds appropriated by
25 this Act under the heading “Economic Support Fund”,

1400

1 not less than \$1,000,000, in addition to funds otherwise
2 made available for such purposes, shall be made available
3 for democracy programs and activities in Timor-Leste,
4 and not less than \$2,000,000 shall be made available for
5 higher education scholarships.

6 (i) VIETNAM.—Funds appropriated by this Act that
7 are made available for assistance for Vietnam for remedi-
8 ation of dioxin contaminated sites and related health ac-
9 tivities may be made available for assistance for the Gov-
10 ernment of Vietnam, including the military, for such pur-
11 poses.

12 INDEPENDENT STATES OF THE FORMER SOVIET UNION

13 SEC. 7069. (a) None of the funds appropriated under
14 the heading “Assistance for Europe, Eurasia and Central
15 Asia” may be made available for assistance for a govern-
16 ment of an Independent State of the former Soviet Union
17 if that government directs any action in violation of the
18 territorial integrity or national sovereignty of any other
19 Independent State of the former Soviet Union, such as
20 those violations included in the Helsinki Final Act, unless
21 the Secretary of State determines that to do so is in the
22 national security interests of the United States.

23 (b) Funds appropriated under the heading “Assist-
24 ance for Europe, Eurasia and Central Asia” for the Rus-
25 sian Federation, Armenia, Kazakhstan, and Uzbekistan

1 shall be subject to the regular notification procedures of
2 the Committees on Appropriations.

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

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

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

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

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

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

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

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

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

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

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

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

20 (6) humanitarian assistance.

21 CENTRAL ASIA

22 SEC. 7070. The terms and conditions of sections
23 7075(a) and (b) and 7076(a) through (e) of the Depart-
24 ment of State, Foreign Operations, and Related Programs
25 Appropriations Act, 2009 (division H of Public Law 111–

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

5 SOUTH ASIA

6 SEC. 7071. (a) AFGHANISTAN.—

7 (1) LIMITATION.—None of the funds appro-
8 priated or otherwise made available by this Act
9 under the headings “Economic Support Fund” and
10 “International Narcotics Control and Law Enforce-
11 ment” may be obligated for assistance for Afghani-
12 stan until the Secretary of State, in consultation
13 with the Administrator of the United States Agency
14 for International Development (USAID), certifies
15 and reports to the Committees on Appropriations
16 that—

17 (A) The Government of Afghanistan is—

18 (i) demonstrating a commitment to
19 reduce corruption and improve governance,
20 including by investigating, prosecuting,
21 sanctioning and/or removing corrupt offi-
22 cials from office and to implement finan-
23 cial transparency and accountability meas-
24 ures for government institutions and offi-

1404

1 cials (including the Central Bank) as well
2 as to conduct oversight of public resources;

3 (ii) taking significant steps to facili-
4 tate active public participation in govern-
5 ance and oversight; and

6 (iii) taking credible steps to protect
7 the internationally recognized human
8 rights of Afghan women.

9 (B) There is a unified United States Gov-
10 ernment anti-corruption strategy for Afghani-
11 stan that is adequately funded, and is being im-
12 plemented in conjunction with relevant Afghan
13 authorities.

14 (C) Funds will be programmed to support
15 and strengthen the capacity of Afghan public
16 and private institutions and entities to reduce
17 corruption and to improve transparency and ac-
18 countability of national, provincial and local
19 governments, such as—

20 (i) the High Office of Oversight;

21 (ii) the Control and Audit Office;

22 (iii) the Afghan Criminal Justice Task
23 Force;

24 (iv) the Afghan Judicial Security
25 Unit;

1405

1 (v) the Anti-Corruption Tribunal, and
2 the Attorney General's Anti-Corruption
3 Unit;

4 (vi) the training and mentoring of ju-
5 dicial personnel;

6 (vii) the training and mentoring of Af-
7 ghan Government personnel in financial
8 management, budgeting, and independent
9 oversight of public funds; and

10 (viii) Afghan civil society organiza-
11 tions and media institutions that play an
12 important role in government oversight.

13 (D) Representatives of Afghan national,
14 provincial or local governments, local commu-
15 nities and civil society organizations, as appro-
16 priate, will be consulted and participate in the
17 design of programs, projects, and activities, in-
18 cluding participation in implementation and
19 oversight, and the development of specific
20 benchmarks to measure progress and outcomes.

21 (E) Funds will be used to train and deploy
22 additional United States Government direct-hire
23 personnel to improve monitoring and control of
24 assistance to ensure that funds are used for the

1 intended purpose and do not support illicit and/
2 or corrupt activities.

3 (F) A framework and methodology is being
4 utilized to assess national, provincial, local and
5 sector level fiduciary risks relating to public fi-
6 nancial management of United States Govern-
7 ment assistance.

8 (2) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
9 SISTANCE.—

10 (A) Funds appropriated or otherwise made
11 available by this Act for assistance for Afghani-
12 stan may not be made available for direct gov-
13 ernment-to-government assistance unless the
14 Secretary of State certifies to the Committees
15 on Appropriations that the relevant Afghan im-
16 plementing agency has been assessed and con-
17 sidered qualified to manage such funds and the
18 Government of the United States and the Gov-
19 ernment of Afghanistan have agreed, in writing,
20 to clear and achievable goals and objectives for
21 the use of such funds, and have established
22 mechanisms within each implementing agency
23 to ensure that such funds are used for the pur-
24 poses for which they were intended: *Provided,*
25 That the Secretary of State should suspend any

1 direct government-to-government assistance to
2 an implementing agency if the Secretary has
3 credible information of misuse of such funds by
4 any such agency: *Provided further*, That any
5 such assistance shall be subject to prior con-
6 sultation with, and the regular notification pro-
7 cedures of, the Committees on Appropriations.

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

19 (3) ASSISTANCE AND OPERATIONS.—

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

1 (i) shall be made available, to the
2 maximum extent practicable, in a manner
3 that emphasizes the participation of Af-
4 ghan women, and directly improves the se-
5 curity, economic and social well-being, and
6 political status, and protects the rights of,
7 Afghan women and girls and complies with
8 sections 7060 and 7061 of this Act, includ-
9 ing support for the Afghan Independent
10 Human Rights Commission, the Afghan
11 Ministry of Women’s Affairs, and women-
12 led nongovernmental organizations.

13 (ii) may be made available for a
14 United States contribution to an inter-
15 nationally-managed fund to support the
16 reconciliation with and disarmament, de-
17 mobilization and reintegration into Afghan
18 society of former combatants who have re-
19 nounced violence against the Government
20 of Afghanistan: *Provided*, That funds may
21 be made available to support reconciliation
22 and reintegration activities only if: (1) Af-
23 ghan women are participating at national,
24 provincial and local levels of government in
25 the design, policy formulation and imple-

1 mentation of the reconciliation or re-
2 integration process, and such process up-
3 holds steps taken by the Government of
4 Afghanistan to protect the internationally
5 recognized human rights of Afghan women;
6 and (2) such funds will not be used to sup-
7 port any pardon or immunity from pros-
8 ecution, or any position in the Government
9 of Afghanistan or security forces, for any
10 leader of an armed group responsible for
11 crimes against humanity, war crimes, or
12 other violations of internationally recog-
13 nized human rights;

14 (iii) may be made available for a
15 United States contribution to the North
16 Atlantic Treaty Organization/International
17 Security Assistance Force Post-Operations
18 Humanitarian Relief Fund; and

19 (iv) should be made available, not-
20 withstanding any provision of law that re-
21 stricts assistance to foreign countries, for
22 cross border stabilization and development
23 programs between Afghanistan and Paki-
24 stan or between either country and the
25 Central Asian republics.

1 (B) Programs and activities funded under
2 titles III and IV of this Act that provide train-
3 ing for foreign police, judicial, and military per-
4 sonnel shall address, where appropriate, gender-
5 based violence.

6 (C) The authority contained in section
7 1102(c) of Public Law 111–32 shall continue in
8 effect during fiscal year 2011 and shall apply
9 as if part of this Act.

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

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

20 (F) The Secretary of State, after consulta-
21 tion with the USAID Administrator, shall sub-
22 mit to the Committees on Appropriations not
23 later than 45 days after enactment of this Act,
24 and prior to the initial obligation of funds, a
25 detailed spending plan for assistance for Af-

1 ghanistan which shall include clear and achiev-
2 able goals, benchmarks for measuring progress,
3 and expected results: *Provided*, That such plan
4 shall not be considered as meeting the notifica-
5 tion requirements under section 7015 of this
6 Act or under section 634A of the Foreign As-
7 sistance Act of 1961.

8 (G) Any significant modification to the
9 scope, objectives or implementation mechanisms
10 of United States assistance programs in Af-
11 ghanistan shall be subject to prior consultation
12 with, and the regular notification procedures of,
13 the Committees on Appropriations, except that
14 the prior consultation requirement may be
15 waived in a manner consistent with section
16 7015(e) of this Act.

17 (4) OVERSIGHT.—

18 (A) The Special Inspector General for Af-
19 ghanistan Reconstruction, the Inspector Gen-
20 eral of the Department of State and the Inspec-
21 tor General of USAID, shall jointly develop and
22 submit to the Committees on Appropriations
23 within 45 days of enactment of this Act a co-
24 ordinated audit and inspection plan of United

1 States assistance for, and civilian operations in,
2 Afghanistan.

3 (B) Of the funds appropriated in this Act
4 under the heading “Economic Support Fund”
5 for assistance for Afghanistan, \$3,000,000 shall
6 be transferred to, and merged with, funds made
7 available under the heading “Office of Inspector
8 General” in title I of this Act, for increased
9 oversight of programs in Afghanistan and shall
10 be in addition to funds otherwise available for
11 such purposes: *Provided*, That \$1,500,000 shall
12 be for the Special Inspector General for Af-
13 ghanistan Reconstruction.

14 (C) Of the funds appropriated in this Act
15 under the heading “Economic Support Fund”
16 for assistance for Afghanistan, \$1,500,000 shall
17 be transferred to, and merged with, funds ap-
18 propriated under the heading “Office of Inspec-
19 tor General” in title II of this Act for increased
20 oversight of programs in Afghanistan and shall
21 be in addition to funds otherwise available for
22 such purposes.

23 (5) MODIFICATION TO PRIOR PROVISIONS.—

24 (A) Section 1004(c)(1)(C) of Public Law
25 111–212 is amended to read as follows:

1413

1 “(C) taking credible steps to protect the
2 internationally recognized human rights of Af-
3 ghan women.”.

4 (B) Section 1004(d)(1) of Public Law
5 111–212 is amended to read as follows:

6 “(1) Afghan women are participating at na-
7 tional, provincial and local levels of government in
8 the design, policy formulation and implementation of
9 the reconciliation or reintegration process, and such
10 process upholds steps taken by the Government of
11 Afghanistan to protect the internationally recognized
12 human rights of Afghan women; and.”.

13 (C) Section 1004(e)(1) of Public Law 111–
14 212 is amended to read as follows:

15 “(1) based on information available to the Sec-
16 retary, the Independent Electoral Commission has
17 no members or other employees who participated in,
18 or helped to cover up, acts of fraud in the 2009
19 presidential election in Afghanistan, and the Elec-
20 toral Complaints Commission is a genuinely inde-
21 pendent body with all the authorities that were in-
22 vested in it under Afghan law as of December 31,
23 2009.”.”.

24 (b) NEPAL.—

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

7 (A) cooperating fully with investigations
8 and prosecutions by civilian judicial authorities
9 of violations of internationally recognized
10 human rights, including the 2004 murder of
11 Maina Sunuwar; and

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

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

25 (c) PAKISTAN.—

1 (1) IN GENERAL.—Funds appropriated by this
2 Act that are available for assistance for Pakistan
3 shall be made available, to the maximum extent
4 practicable, in a manner that utilizes Pakistani enti-
5 ties and directly improves the security, economic and
6 social well-being of Pakistani women and girls.

7 (2) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
8 SISTANCE.—Funds appropriated by this Act for as-
9 sistance for Pakistan may be made available for di-
10 rect government-to-government assistance only if the
11 Secretary of State certifies to the Committees on
12 Appropriations that the Government of the United
13 States and the Government of Pakistan have agreed,
14 in writing, to clear and achievable goals and objec-
15 tives for the use of such funds, and have established
16 mechanisms within each implementing agency to en-
17 sure that such funds are used for the purposes for
18 which they were intended: *Provided*, That the Sec-
19 retary of State should suspend any direct govern-
20 ment-to-government assistance to an implementing
21 agency if the Secretary has credible information of
22 misuse of such funds by any such agency: *Provided*
23 *further*, That funds made available pursuant to this
24 subparagraph shall be subject to prior consultation

1 with, and the regular notification procedures of, the
2 Committees on Appropriations.

3 (3) CROSS BORDER ASSISTANCE.—Funds ap-
4 propriated under the heading “Economic Support
5 Fund” in this Act for assistance for Pakistan should
6 be provided notwithstanding any provision of law
7 that restricts assistance to foreign countries for
8 cross border stabilization and development programs
9 between Afghanistan and Pakistan or between either
10 country and the Central Asian republics.

11 (4) INFRASTRUCTURE PROJECTS.—Funds ap-
12 propriated under the heading “Economic Support
13 Fund” in this Act that are made available for assist-
14 ance for infrastructure projects in Pakistan shall be
15 implemented in a manner consistent with section
16 507(6) of the Trade Act of 1974 (19 U.S.C.
17 2467(6)).

18 (5) HUMAN RIGHTS.—

19 (A) Funds appropriated under the head-
20 ings “Foreign Military Financing Program”
21 and “Pakistan Counterinsurgency Capability
22 Fund” in this Act that are available for assist-
23 ance for Pakistan shall be made available—

24 (i) in a manner that promotes
25 unimpeded access by humanitarian organi-

1 zations to detainees, internally displaced
2 persons, and other Pakistani civilians ad-
3 versely affected by the conflict; and

4 (ii) in accordance with section 620M
5 of the Foreign Assistance Act of 1961, as
6 amended by this Act.

7 (B) Funds appropriated under the heading
8 “Economic Support Fund” in this Act for as-
9 sistance for Pakistan shall be made available
10 through the Bureau of Democracy, Human
11 Rights and Labor, Department of State, for
12 human rights programs in Pakistan, including
13 training of government officials and security
14 forces, and assistance for human rights organi-
15 zations.

16 (6) CHIEF OF MISSION.—Of the funds appro-
17 priated under the heading “Economic Support
18 Fund” in this Act for assistance for Pakistan, up to
19 \$10,000,000 may be made available to the Chief of
20 Mission to address unanticipated humanitarian and
21 conflict related needs: *Provided*, That such funds
22 shall be subject to prior consultation with, and the
23 regular notification procedures of, the Committees
24 on Appropriations, except that the prior consultation

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

3 (7) SPENDING PLAN.—The Secretary of State,
4 in consultation with the Administrator of the United
5 States Agency for International Development, shall
6 submit to the Committees on Appropriations not
7 later than 45 days after enactment of this Act, and
8 prior to the initial obligation of funds, a detailed
9 spending plan for assistance for Pakistan which
10 shall include clear and achievable goals, benchmarks
11 for measuring progress, and expected results: *Pro-*
12 *vided*, That such plan shall not be considered as
13 meeting the notification requirements under section
14 7015 of this Act or under section 634A of the For-
15 eign Assistance Act of 1961.

16 (8) MODIFICATION TO PROGRAM.—Any signifi-
17 cant modification to the scope, objectives or imple-
18 mentation mechanisms of United States assistance
19 programs in Pakistan shall be subject to prior con-
20 sultation with, and the regular notification proce-
21 dures of, the Committees on Appropriations, except
22 that the prior consultation requirement may be
23 waived if it is determined that failure to do so would
24 pose a substantial risk to human health or welfare:
25 *Provided*, That in case of any such waiver, notifica-

1 tion to the Committees on Appropriations shall be
2 provided as early as practicable, but in no event
3 later than 3 days after taking the action to which
4 such consultation requirement was applicable.

5 (d) SRI LANKA.—

6 (1) Funds appropriated in title III of this Act
7 that are available for assistance for Sri Lanka shall
8 be made available for programs that promote rec-
9 onciliation between ethnic Sinhalese and Tamil pop-
10 ulations, support post-conflict reconstruction, and
11 advance the participation of Tamils and other mi-
12 norities in the political and economic life of the
13 country, and shall be subject to the regular notifica-
14 tion procedures of the Committees on Appropria-
15 tions.

16 (2) None of the funds appropriated by this Act
17 under the heading “Foreign Military Financing Pro-
18 gram” may be made available for assistance for Sri
19 Lanka, no defense export license may be issued, and
20 no military equipment or technology shall be sold or
21 transferred to Sri Lanka pursuant to the authorities
22 contained in this Act or any other Act, unless the
23 Secretary of State certifies to the Committees on
24 Appropriations that the Government of Sri Lanka
25 is—

1420

1 (A) investigating alleged violations of inter-
2 nationally recognized human rights and inter-
3 national humanitarian law by government
4 forces and the Liberation Tigers of Tamil
5 Eelam, including the assassination of Lasantha
6 Wickrematunge;

7 (B) bringing to justice individuals who
8 have been credibly alleged to have committed
9 such violations;

10 (C) supporting and cooperating with any
11 United Nations advisory panel or investigation
12 of alleged violations of international humani-
13 tarian law;

14 (D) respecting due process and the rights
15 of its citizens to peaceful expression and asso-
16 ciation;

17 (E) providing access to detainees and con-
18 flict-affected areas and populations by humani-
19 tarian organizations; and

20 (F) implementing policies to promote rec-
21 onciliation and justice including devolution of
22 power as provided for in the Constitution of Sri
23 Lanka.

1 cordance with the regular notification procedures of the
2 Committees on Appropriations, a plan for the distribution
3 of the assets of the Enterprise Fund.

4 (b) Funds made available under titles III through VI
5 of this Act for Enterprise Funds shall be expended at the
6 minimum rate necessary to make timely payment for
7 projects and activities and shall be subject to the regular
8 notification procedures of the Committees on Appropria-
9 tions.

10 UNITED NATIONS POPULATION FUND

11 SEC. 7073. (a) CONTRIBUTION.—Of the funds made
12 available under the heading “International Organizations
13 and Programs” in this Act for fiscal year 2011,
14 \$57,500,000 shall be made available for the United Na-
15 tions Population Fund (UNFPA).

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

24 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
25 None of the funds made available by this Act may be used

1 by UNFPA for a country program in the People's Repub-
2 lic of China.

3 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—

4 Funds made available by this Act for UNFPA may not
5 be made available unless—

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

10 (2) UNFPA does not fund abortions.

11 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
12 LAR WITHHOLDING OF FUNDS.—

13 (1) Not later than 4 months after the date of
14 enactment of this Act, the Secretary of State shall
15 submit a report to the Committees on Appropria-
16 tions indicating the amount of funds that the
17 UNFPA is budgeting for the year in which the re-
18 port is submitted for a country program in the Peo-
19 ple's Republic of China.

20 (2) If a report under paragraph (1) indicates
21 that the UNFPA plans to spend funds for a country
22 program in the People's Republic of China in the
23 year covered by the report, then the amount of such
24 funds the UNFPA plans to spend in the People's
25 Republic of China shall be deducted from the funds

1424

1 made available to the UNFPA after March 1 for ob-
2 ligation for the remainder of the fiscal year in which
3 the report is submitted.

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

6 SEC. 7074. (a) Whenever the President determines
7 that it is in furtherance of the purposes of the Foreign
8 Assistance Act of 1961, up to a total of \$20,000,000 of
9 the funds appropriated under title III of this Act may be
10 transferred to, and merged with, funds appropriated by
11 this Act for the Overseas Private Investment Corporation
12 Program Account, to be subject to the terms and condi-
13 tions of that account: *Provided*, That such funds shall not
14 be available for administrative expenses of the Overseas
15 Private Investment Corporation: *Provided further*, That
16 designated funding levels in this Act shall not be trans-
17 ferred pursuant to this section: *Provided further*, That the
18 exercise of such authority shall be subject to the regular
19 notification procedures of the Committees on Appropria-
20 tions.

21 (b) Notwithstanding section 235(a)(2) of the Foreign
22 Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the au-
23 thority of subsections (a) through (c) of section 234 of
24 such Act shall remain in effect through September 30,
25 2013.

1425

1 EXTRADITION

2 SEC. 7075. (a) None of the funds appropriated in this
3 Act may be used to provide assistance (other than funds
4 provided under the headings “International Narcotics
5 Control and Law Enforcement”, “Migration and Refugee
6 Assistance”, “Emergency Migration and Refugee Assist-
7 ance”, and “Nonproliferation, Anti-terrorism, Demining
8 and Related Assistance”) for the central government of
9 a country which has notified the Department of State of
10 its refusal to extradite to the United States any individual
11 indicted for a criminal offense for which the maximum
12 penalty is life imprisonment without the possibility of pa-
13 role or for killing a law enforcement officer, as specified
14 in a United States extradition request.

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

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

1 CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

2 SEC. 7076. (a) IN GENERAL.—Of the funds appro-
3 priated by this Act, up to \$1,476,550,000 may be made
4 available for programs and activities to—

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

7 (2) support climate change adaptation; and

8 (3) protect biodiversity, including wildlife, trop-
9 ical forests, and other critical landscapes.

10 (b) USES OF CLEAN ENERGY FUNDING.—Funds ap-
11 propriated by this Act under the headings “Development
12 Assistance”, “Economic Support Fund”, and “Assistance
13 for Europe, Eurasia and Central Asia” for clean energy
14 programs and activities, may be made available only to
15 support and promote the sustainable use of renewable en-
16 ergy technologies and end-use energy efficiency tech-
17 nologies, carbon sequestration, and carbon accounting.

18 (c) TROPICAL FOREST PROGRAMS.—Funds appro-
19 priated under title III of this Act for tropical forest pro-
20 grams shall be used for purposes including to implement
21 and enforce section 8204 of Public Law 110–246, shall
22 not be used to support or promote the expansion of indus-
23 trial scale logging into primary tropical forests, and shall
24 be subject to prior consultation with, and the regular noti-
25 fication procedures of, the Committees on Appropriations:

1 *Provided*, That not more than \$5,000,000 of the funds
2 that are available for the Central African Regional Pro-
3 gram for the Environment (CARPE) and other tropical
4 forest programs in the Congo Basin may be obligated be-
5 fore approval of a new CARPE strategy.

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

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

1 (f) EXTRACTION OF NATURAL RESOURCES.—

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

13 (2)(A) The Secretary of the Treasury shall in-
14 form the managements of the international financial
15 institutions and post on the Department of the
16 Treasury's Web site that it is the policy of the
17 United States to oppose any assistance by such in-
18 stitutions (including but not limited to any loan,
19 credit, grant, or guarantee) for the extraction and
20 export of oil, gas, coal, timber, or other natural re-
21 source unless the government of the country has in
22 place functioning systems in the sector in which as-
23 sistance is being considered for:

24 (i) accurately accounting for and public
25 disclosure of payments to the host government

1 by companies involved in the extraction and ex-
2 port of natural resources;

3 (ii) the independent auditing of accounts
4 receiving such payments and the widespread
5 public dissemination of the findings of such au-
6 dits; and

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

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

18 (3) The Secretary of the Treasury or the Sec-
19 retary of State, as appropriate, shall instruct the
20 United States executive director of each inter-
21 national financial institution and the United States
22 representatives to all forest-related multilateral fi-
23 nancing mechanisms and processes, that it is the
24 policy of the United States to oppose the expansion

1 of industrial scale logging into primary tropical for-
2 ests.

3 (g) CLEAN TECHNOLOGY FUND.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—For
5 fiscal year 2011, up to \$315,000,000 is authorized
6 to be appropriated for a United States contribution
7 to the Clean Technology Fund (the Fund).

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

11 (A) the Fund does not provide more than
12 15 percent of Fund resources to any one coun-
13 try;

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

22 (C) the investment plan for a recipient
23 country, whose borrowing status is classified by
24 the World Bank as “International Development
25 Association blend”, shall have at least 15 per-

1 cent of its total cost for public sector activities
2 contributed from the public funds of the recipi-
3 ent country, and any recipient country whose
4 borrowing status is classified by the World
5 Bank as “International Bank for Reconstruc-
6 tion and Development Only” status, shall have
7 at least 25 percent of its total cost for public
8 sector activities contributed from public funds
9 of the recipient country; and

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

18 (3) DEFINITIONS.—For purposes of this sub-
19 section—

20 (A) NET REDUCTIONS.—The term “net re-
21 ductions” refers to the extent to which a project
22 or program supported under this subsection re-
23 sults in lower greenhouse gas emissions than
24 would be emitted by the same entity or sector
25 in the same country in the absence of the

1 Fund's project, taking into account, unless im-
2 practicable, effects beyond the physical bound-
3 aries of the project or program that result from
4 project or program activities.

5 (B) PUBLIC FUNDS.—The term “public
6 funds” may include sovereign loans assumed by
7 the recipient country to contribute to the fi-
8 nancing of the investment plan.

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

14 (i) achieves substantial reductions in
15 greenhouse gas emissions;

16 (ii) does not result in significant in-
17 cremental adverse effects on public health
18 or the environment; and

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

20 (I) generates electricity or useful
21 thermal energy from a renewable re-
22 source;

23 (II) substantially increases the
24 energy efficiency of buildings, indus-
25 trial, or agricultural processes, or of

1433

1 electricity transmission, distribution,
2 or end-use consumption;

3 (III) substantially increases the
4 energy efficiency of the transportation
5 system or increases utilization of
6 transportation fuels that have lifecycle
7 greenhouse gas emissions that are
8 substantially lower than those attrib-
9 utable to fossil fuel-based alternatives.

10 PROHIBITION ON PROMOTION OF TOBACCO

11 SEC. 7077. None of the funds provided by this Act
12 shall be available to promote the sale or export of tobacco
13 or tobacco products, or to seek the reduction or removal
14 by any foreign country of restrictions on the marketing
15 of tobacco or tobacco products, except for restrictions
16 which are not applied equally to all tobacco or tobacco
17 products of the same type.

18 COMMERCIAL LEASING OF DEFENSE ARTICLES

19 SEC. 7078. The second sentence of section 23(a) of
20 the Arms Export Control Act, as amended, (Public Law
21 96–29) is further amended by striking “and Egypt” and
22 inserting “, Egypt, and NATO and major non-NATO al-
23 lies”.

1 INTERNATIONAL PRISON CONDITIONS

2 SEC. 7079. (a) Not later than 180 days after enact-
3 ment of this Act, the Secretary of State shall submit to
4 the Committees on Appropriations a report, which shall
5 also be made publicly available including on the Depart-
6 ment of State's Web site, indicating those countries receiv-
7 ing assistance under the headings "Development Assist-
8 ance", "Economic Support Fund", "International Nar-
9 cotics Control and Law Enforcement", and "Foreign Mili-
10 tary Financing Program" in this Act where the Assistant
11 Secretary of State for Democracy, Human Rights and
12 Labor has determined, based on the Department of
13 State's most recent Human Rights Report and any other
14 relevant information, inhumane conditions in prisons and
15 other detention facilities are common.

16 (b) For purposes of each determination made pursu-
17 ant to subsection (a), the Assistant Secretary shall con-
18 sider the criteria listed in section 7085(b)(1 through 10)
19 of division F of Public Law 111-117.

20 (c) Funds appropriated by this Act to carry out the
21 provisions of chapters 1 and 11 of part I and chapter 4
22 of part II of the Foreign Assistance Act of 1961, and the
23 Support for East European Democracy (SEED) Act of
24 1989, shall be made available, notwithstanding section
25 660 of the Foreign Assistance Act of 1961, for assistance

1 that any loan will be repaid to the IMF before other
2 private creditors and in full.

3 (c) NATIONAL BUDGET AND CONTRACT TRANS-
4 PARENCY.—

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

13 (2) The Secretary of State may waive the prohi-
14 bition in paragraph (1) on a country-by-country
15 basis if the Secretary reports to the Committees on
16 Appropriations that to do so is important to the na-
17 tional interests of the United States.

18 (3) Of the funds appropriated by this Act under
19 the heading “Economic Support Fund”, up to
20 \$1,500,000 may be made available for programs and
21 activities to assist the central government of any
22 country named in the report required by paragraph
23 (2) to improve budget transparency or to support
24 civil society organizations in such countries that pro-
25 mote budget transparency: *Provided*, That such

1 sums shall be in addition to funds otherwise made
2 available for such purposes.

3 (d) GOOD GOVERNANCE AND ACCOUNTABILITY.—

4 Programs funded under title III of this Act shall include,
5 where appropriate, efforts to—

6 (1) strengthen governance, counter corruption,
7 promote accountability, and provide budget trans-
8 parency to donors and citizens of recipient countries;

9 (2) enhance civil society participation in govern-
10 ance and oversight activities including participatory
11 and transparent budgeting, and capacity building to
12 increase legislative branch oversight; and

13 (3) improve police and justice systems that sup-
14 port anti-corruption efforts and enforce the rule of
15 law.

16 (e) ANTI-KLEPTOCRACY.—

17 (1) In furtherance of the National Strategy to
18 Internationalize Efforts Against Kleptocracy and
19 Presidential Proclamation 7750, the Secretary of
20 State shall compile and maintain a list of officials of
21 foreign governments and their immediate family
22 members who the Secretary has credible evidence
23 have been involved in corruption relating to the ex-
24 traction of natural resources in their countries.

1 (2) Any individual on the list compiled under
2 paragraph (1) shall be ineligible for admission to the
3 United States.

4 (3) The Secretary may waive the application of
5 paragraph (2) if the Secretary determines that ad-
6 mission to the United States is necessary to attend
7 the United Nations, to further important United
8 States law enforcement objectives, or that the cir-
9 cumstances which caused the individual to be in-
10 cluded on the list have changed sufficiently to justify
11 the removal of the individual from the list.

12 (4) Not later than 120 days after enactment of
13 this Act, the Secretary of State shall report in writ-
14 ing, in classified form if necessary, to the Commit-
15 tees on Appropriations describing the evidence of
16 corruption concerning each of the individuals listed
17 pursuant to paragraph (1), which shall include a list
18 of any waivers provided under paragraph (3), and
19 the justification for each waiver.

20 (f) ASIAN DEVELOPMENT BANK.—Ten percent of the
21 funds appropriated by this Act under the heading “Con-
22 tribution to the Asian Development Fund” shall be with-
23 held from obligation until the Secretary of the Treasury
24 reports to the Committees on Appropriations that the
25 Asian Development Bank (the Bank) is taking steps to—

1 seas USAID missions to promote the full inclusion and
2 equal participation of people with disabilities in developing
3 countries.

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

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

14 BUYING POWER MAINTENANCE, INTERNATIONAL
15 ORGANIZATIONS

16 SEC. 7082. (a) There may be established in the
17 Treasury of the United States a “Buying Power Mainte-
18 nance, International Organizations” account.

19 (b) At the end of each fiscal year, the Secretary of
20 State may transfer to, and merge with, “Buying Power
21 Maintenance, International Organizations” such amounts
22 from “Contributions to International Organizations” as
23 the Secretary determines are in excess of the needs of ac-
24 tivities funded from “Contributions to International Orga-

1 nizations” because of fluctuations in foreign currency ex-
2 change rates.

3 (c) In order to offset adverse fluctuations in foreign
4 currency exchange rates, the Secretary of State may
5 transfer to, and merge with, “Contributions to Inter-
6 national Organizations” such amounts from “Buying
7 Power Maintenance, International Organizations” as the
8 Secretary determines are necessary to provide for the ac-
9 tivities funded from “Contributions to International Orga-
10 nizations”.

11 (d)(1) Subject to the limitations contained in this sec-
12 tion, not later than the end of the fifth fiscal year after
13 the fiscal year for which funds are appropriated or other-
14 wise made available for “Contributions to International
15 Organizations”, the Secretary of State may transfer any
16 unobligated balance of such funds to the “Buying Power
17 Maintenance, International Organizations” account.

18 (2) The balance of the Buying Power Maintenance,
19 International Organizations account may not exceed
20 \$15,000,000 as a result of any transfer under this sub-
21 section.

22 (3) Any transfer pursuant to this subsection shall be
23 treated as a reprogramming of funds under section 34 of
24 the State Department Basic Authorities Act of 1956 (22
25 U.S.C. 2706) and shall be available for obligation or ex-

1 penditure only in accordance with the procedures under
2 such section.

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

6 (2) The transfer authorities in this section shall be
7 available for funds appropriated for fiscal year 2011 and
8 for each fiscal year thereafter, and are in addition to any
9 transfer authority otherwise available to the Department
10 of State under other provisions of law.

11 PROHIBITION ON FIRST-CLASS TRAVEL

12 SEC. 7083. None of the funds made available in this
13 Act may be used for first-class travel by employees of
14 agencies funded by this Act in contravention of sections
15 301–10.122 through 301–10.124 of title 41, Code of Fed-
16 eral Regulations.

17 PROHIBITION ON FEDERAL CONTRACTORS IN VIOLATION
18 OF CIVIL RIGHTS ACT

19 SEC. 7084. (a) None of the funds appropriated or
20 otherwise made available by this Act may be expended for
21 any Federal contract for an amount in excess of
22 \$1,000,000 that is awarded more than 60 days after the
23 effective date of this Act, unless the contractor agrees not
24 to—

1 (1) enter into any agreement with any of its
2 employees or independent contractors that requires,
3 as a condition of employment, that the employee or
4 independent contractor agree to resolve through ar-
5 bitration any claim under title VII of the Civil
6 Rights Act of 1964 or any tort related to or arising
7 out of sexual assault or harassment, including as-
8 sault and battery, intentional infliction of emotional
9 distress, false imprisonment, or negligent hiring, su-
10 pervision, or retention; or

11 (2) take any action to enforce any provision of
12 an existing agreement with an employee or inde-
13 pendent contractor that mandates that the employee
14 or independent contractor resolve through arbitra-
15 tion any claim under title VII of the Civil Rights Act
16 of 1964 or any tort related to or arising out of sex-
17 ual assault or harassment, including assault and
18 battery, intentional infliction of emotional distress,
19 false imprisonment, or negligent hiring, supervision,
20 or retention.

21 (b) None of the funds appropriated or otherwise
22 made available by this Act may be expended for any Fed-
23 eral contract awarded more than 180 days after the effec-
24 tive date of this Act unless the contractor certifies that
25 it requires each covered subcontractor to agree not to

1 enter into, and not to take any action to enforce any provi-
2 sion of, any agreement as described in paragraphs (1) and
3 (2) of subsection (a), with respect to any employee or inde-
4 pendent contractor performing work related to such sub-
5 contract. For purposes of this subsection, a “covered sub-
6 contractor” is an entity that has a subcontract in excess
7 of \$1,000,000 on a contract subject to subsection (a).

8 (c) The prohibitions in this section do not apply with
9 respect to a contractor’s or subcontractor’s agreements
10 with employees or independent contractors that may not
11 be enforced in a court of the United States.

12 (d) The Secretary of State may waive the application
13 of subsection (a) or (b) to a particular contractor or sub-
14 contractor for the purposes of a particular contract or sub-
15 contract if the Secretary determines that to do so is impor-
16 tant to the national security interest of the United States:
17 *Provided*, That prior to exercising such waiver authority
18 (or, in an emergency, as soon as practicable), the Sec-
19 retary shall submit a report to the Committees on Appro-
20 priations, in classified form if necessary, detailing the
21 grounds for the waiver.

22 MILLENNIUM CHALLENGE CORPORATION COMPACTS

23 SEC. 7085. (a) EXTENSION OF COMPACTS.—Section
24 609(j) of the Millennium Challenge Act of 2003 (22
25 U.S.C. 7708(j)) is amended to read as follows:

1 “(j) EXTENSION OF COMPACT.—

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

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

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

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

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

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

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

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

7 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

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

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

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

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

1 come Country (LMIC) as defined in section
2 606(b), a 15 percent contribution for a subse-
3 quent Compact.

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

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

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

13 (c) APPLICABILITY.—The amendments made by sub-
14 section (a) shall apply with respect to Compacts entered
15 into between the United States and an eligible country
16 under the Millennium Challenge Act of 2003 (22 U.S.C.
17 7701 et seq.) before, on or after enactment of this Act,
18 and those made by subsection (b) shall apply prospectively
19 to new compacts.

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

24 (1) Section (a)(1) is amended by striking the
25 words “**Fiscal year 2004**” and inserting “**In**

1 **general**”, and by striking the words “for fiscal
2 year 2004” and inserting “for a fiscal year”.

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

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

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

16 (e) Section 606 is amended by inserting the fol-
17 lowing—

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

1 the country's transition and the two subsequent fiscal
2 years.”.

3 GLOBAL WOMEN'S ISSUES

4 SEC. 7086. (a) DEPARTMENT OF STATE OFFICE FOR
5 GLOBAL WOMEN'S ISSUES.—There is established, in the
6 Office of the Secretary of State, the Office for Global
7 Women's Issues (the Office). The Secretary of State may
8 assign appropriate staff with relevant technical and oper-
9 ational expertise to the Office to carry out the purposes
10 of this section.

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

18 (1) DUTIES.—The Ambassador is authorized
19 to—

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

26 (i) gender integration;

1450

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

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

8 (B) work with relevant offices within the
9 Department of State, and in other relevant ex-
10 ecutive branch agencies, to promote the collec-
11 tion, retention, and analysis of data using inter-
12 nationally comparable indicators, norms and
13 methodologies to the extent possible on pro-
14 grams and activities in paragraph (A); and

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

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

1 (d) UNITED STATES AGENCY FOR INTERNATIONAL
2 DEVELOPMENT GENDER INTEGRATION AND DEVELOP-
3 MENT ADVISOR.—There is established, within the United
4 States Agency for International Development (USAID),
5 the Gender Integration and Development Advisor (the Ad-
6 visor), who shall be appointed by, and should report di-
7 rectly to, the USAID Administrator; be highly qualified
8 in the areas of international development and gender inte-
9 gration; and participate in high-level strategic policy, plan-
10 ning, operations, and evaluations throughout all regional
11 and functional disciplines of USAID.

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

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

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

1 (B) collect and make publicly available
2 data and analysis on gender integration activi-
3 ties, women’s development, and strategies for
4 gender-based violence prevention and response,
5 in accordance with agency-wide mechanisms for
6 data collection, monitoring, and evaluation; and

7 (C) provide recommendations to the Ad-
8 ministrators and the Ambassador.

9 (e) STRATEGY.—Not later than 1 year after enact-
10 ment of this Act, the Secretary of State and the USAID
11 Administrator shall submit to the Committees on Appro-
12 priations, the Committee on Foreign Relations of the Sen-
13 ate and the Committee on Foreign Affairs of the House
14 of Representatives, a 5-year strategy, developed by the
15 Ambassador and the Advisor in consultation with other
16 Federal agencies, multilateral organizations, foreign gov-
17 ernments and United States and foreign civil society orga-
18 nizations with relevant expertise, to prevent and respond
19 to violence against women and girls comprehensively in at
20 least 5 developing countries with severe levels of violence,
21 which shall include multi-sector approaches, clear and
22 achievable goals and objectives, indicators and bench-
23 marks for measuring progress, and expected impacts, and
24 the role of local women’s organizations in implementation.

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

5 ASIAN DEVELOPMENT FUND AND ASIAN DEVELOPMENT
6 BANK AUTHORIZATIONS

7 SEC. 7087. The Asian Development Bank Act (22
8 U.S.C. 285 et seq.) is amended by adding at the end the
9 following—

10 **“SEC. 33. NINTH REPLENISHMENT.**

11 “(a) CONTRIBUTION AUTHORIZED.—The United
12 States Governor of the Bank is authorized to contribute
13 \$461,000,000 on behalf of the United States to the ninth
14 replenishment of the resources of the Fund, to the extent
15 such amounts are made available in advance through ap-
16 propriations Acts.

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

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

23 “(a) SUBSCRIPTION AUTHORIZED.—

24 “(1) The United States Governor of the Bank
25 may subscribe on behalf of the United States to

1 1,104,420 additional shares of the capital stock of
2 the Bank.

3 “(2) Any subscription by the United States to
4 the capital stock of the Bank shall be effective only
5 to such extent and in such amounts as are made
6 available in advance through appropriations Acts.

7 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
8 PRIATIONS.—

9 “(1) In order to pay for the increase in the
10 United States subscription to the Bank under sub-
11 section (a), there are authorized to be appropriated,
12 without fiscal year limitation, \$13,323,173,083 for
13 payment by the Secretary of the Treasury.

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

16 “(A) \$532,929,240 shall be for paid in
17 shares of the Bank; and

18 “(B) \$12,790,243,843 shall be for callable
19 shares of the Bank.”.

20 INSPECTORS GENERAL PERSONNEL

21 SEC. 7088. (a)(1) The provisions in this section shall
22 apply to the Inspector General of the Department of State
23 and the Inspector General of the United States Agency
24 for International Development.

1 (2) The term “Government Employee” has the mean-
2 ing given the term employee in section 2105 of title 5,
3 United States Code.

4 (3) The Inspector General may waive any of the fol-
5 lowing provisions to employ annuitants (individuals who
6 are entitled to benefits under a retirement system for Gov-
7 ernment employees): subsections (a) through (d) of section
8 8344 of title 5, United States Code; subsections (a), (b)
9 and (e) of section 8468 of title 5, United States Code;
10 subsections (a) through (d) of section 824 of the Foreign
11 Service Act of 1980 (22 U.S.C. 4064); and any other simi-
12 lar provision of law, as identified by the Inspector General
13 in regulations: *Provided*, That the Inspector General may
14 exercise this authority: only on a case-by-case basis and
15 only for so long as is necessary; when necessary due to
16 exceptional difficulty in the recruitment or retention of a
17 qualified employee for the position involved or a temporary
18 emergency hiring need; as long as it does not cause the
19 number of employees within the Office of Inspector Gen-
20 eral (OIG) employed under this or other similar authority
21 to exceed, as of any given date, 15 percent of the total
22 OIG workforce, determined on a full-time equivalent basis;
23 and this authority is repealed on October 1, 2013, except
24 that an annuitant re-employed pursuant to the waiver in

1 this section before October 1, 2013, may continue such
2 employment until not later than September 30, 2014.

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

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

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

20 (B) The authority to obtain such services shall
21 expire on September 30, 2014 except that an indi-
22 vidual whose service under this subsection is pro-
23 cured before October 1, 2014, may continue to pro-
24 vide such service until not later than September 30,
25 2015.

1 (b) Section 5545a of title 5, United States Code, is
2 amended by adding at the end the following:

3 “(1)(1) The provisions of subsections (a)–(h) pro-
4 viding for availability pay shall apply to a Foreign Service
5 officer serving as a criminal investigator in the Office of
6 the Inspector General of the United States Agency for
7 International Development.

8 “(2) For the purpose of this section, section 5542(d)
9 of this title, and section 13(a)(16) and (b)(30) of the Fair
10 Labor Standards Act of 1938 (29 U.S.C. 213(a)(16) and
11 (b)(30)), such a Foreign Service officer shall be deemed
12 to be a criminal investigator as defined in this section.

13 “(3) For purposes of this subsection, the term ‘For-
14 eign Service officer’ means as defined in section 103 (1)–
15 (4) of the Foreign Service Act of 1980, as amended (22
16 U.S.C. 2903 (1)–(4)).”.

17 RESCISSIONS

18 SEC. 7089. (a) Of the unobligated balances available
19 under the heading “Subsidy Appropriation” for the Ex-
20 port-Import Bank of the United States in title VI of the
21 Department of State, Foreign Operations, and Related
22 Programs Appropriations Act, 2009 (division H of Public
23 Law 111–8; 123 Stat. 846) and under such heading in
24 prior acts making appropriations for the Department of

1458

1 State, foreign operations, and related programs,
2 \$160,000,000 are rescinded.

3 (b) Of the funds appropriated in prior Acts making
4 appropriations for the Department of State, foreign oper-
5 ations, and related programs under the heading “Diplo-
6 matic and Consular Programs”, \$55,000,000, of which
7 \$50,000,000 shall be from amounts made available for
8 Worldwide Security Protection, are rescinded: *Provided*,
9 That no amounts may be rescinded from amounts that
10 were designated by the Congress as an emergency require-
11 ment pursuant to the Concurrent Resolution on the Budg-
12 et or the Balanced Budget and Emergency Deficit Control
13 Act of 1985, as amended.

14 (c) Of the unobligated balances available for the
15 International Broadcasting Operations account, as identi-
16 fied by Treasury Appropriation Fund Symbol 95X0206,
17 \$633,000 are rescinded.

18 (d) Of the amounts appropriated or otherwise made
19 available by section 101 of the Continuing Appropriations
20 Resolution, 2007 (division B of Public Law 109–289), as
21 amended by section 2 of the Revised Continuing Appro-
22 priations Resolution, 2007 (Public Law 110–5; 121 Stat.
23 8), for the Broadcasting Board of Governors under the
24 heading “Broadcasting Capital Improvements” that re-

1 main available for obligation as of the date of the enact-
2 ment of this Act, \$72,000 are rescinded.

3 (e) Of the unobligated balances available for the
4 Child Survival and Health Program Fund account, as
5 identified by Treasury Appropriation Fund Symbols 7206/
6 111095 and 7207/121095, \$6,317,000 are rescinded.

7 (f) Of the unobligated balances available for the De-
8 velopment Assistance account, as identified by Treasury
9 Appropriation Fund Symbols 7206/111021 and 7207/
10 121021, \$4,928,000 are rescinded.

11 (g) Of the unobligated balances available for the Eco-
12 nomic Support Fund account, as identified by Treasury
13 Appropriation Fund Symbols 7206/111037, 7207/121037,
14 \$6,179,000 are rescinded.

15 (h) Of the unobligated balances available for the As-
16 sistance for the Independent States of the Former Soviet
17 Union account, as identified by Treasury Appropriation
18 Fund Symbols 7206/111093 and 7207/121093,
19 \$3,294,000 are rescinded.

20 (i) Of the unobligated balances available for the
21 International Narcotics Control and Law Enforcement ac-
22 count, as identified by Treasury Appropriation Fund Sym-
23 bols, 11X1022, 1911X1022, 1106/121022, and 191105/
24 111022, \$11,143,000 are rescinded.

1460

1 (j) Of the unobligated balances available for the As-
2 sistance for Counternarcotics Activities account, as identi-
3 fied by Treasury Appropriation Fund Symbol, 19X1154,
4 \$3,148,000 are rescinded.

5 This division may be cited as the “Department of
6 State, Foreign Operations, and Related Programs Appro-
7 priations Act, 2011”.

8 **DIVISION L—TRANSPORTATION, AND**
9 **HOUSING AND URBAN DEVELOPMENT,**
10 **AND RELATED AGENCIES APPROPRIA-**
11 **TIONS ACT, 2011**

12 TITLE I

13 DEPARTMENT OF TRANSPORTATION

14 OFFICE OF THE SECRETARY

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of the Secretary,
17 \$115,509,000, of which not to exceed \$2,667,000 shall be
18 available for the immediate Office of the Secretary; not
19 to exceed \$1,000,000 shall be available for the Immediate
20 Office of the Deputy Secretary; not to exceed \$19,960,000
21 shall be available for the Office of the General Counsel;
22 not to exceed \$16,568,000 shall be available for the Office
23 of the Under Secretary of Transportation for Policy; not
24 to exceed \$11,156,000 shall be available for the Office of
25 the Assistant Secretary for Budget and Programs; not to