

Calendar No. 103111TH CONGRESS
1ST SESSION**S. 1434****[Report No. 111-44]**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

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

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

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

3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2010, and for other pur-
6 poses, namely:

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

8 For necessary expenses of the Department of State
9 and the Foreign Service not otherwise provided for,
10 \$8,227,000,000, of which \$1,595,000,000 is for World-
11 wide Security Protection (to remain available until ex-
12 pended): *Provided*, That the Secretary of State may trans-
13 fer up to \$137,600,000 of the total funds made available
14 under this heading to any other appropriation of any de-
15 partment or agency of the United States, upon the concur-
16 rence of the head of such department or agency, to sup-
17 port operations in and assistance for Afghanistan and to
18 carry out the provisions of the Foreign Assistance Act of
19 1961: *Provided further*, That funds made available under
20 this heading shall be allocated as follows:

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

1 thorized by section 801 of the United States Infor-
2 mation and Educational Exchange Act of 1948,
3 \$2,667,130,000 to remain available until September
4 30, 2011, of which not less than \$138,075,000 shall
5 be available only for public diplomacy American sal-
6 aries, up to \$124,923,000 shall be for the Human
7 Resources Initiative, and \$220,840,000 is for World-
8 wide Security Protection and shall remain available
9 until expended: *Provided*, That none of the funds ap-
10 propriated by this Act for the hiring of additional
11 Department of State personnel shall be made avail-
12 able for obligation until the Secretary of State sub-
13 mits to the Committees on Appropriations a strat-
14 egy, including funding requirements and justifica-
15 tions, for projected personnel requirements over the
16 next three fiscal years.

17 (2) OVERSEAS PROGRAMS.—For necessary ex-
18 penses for the regional bureaus of the Department
19 of State and overseas activities as authorized by law,
20 \$2,495,158,000, to remain available until September
21 30, 2011, of which not less than \$382,000,000 shall
22 be available only for public diplomacy international
23 information programs: *Provided*, That not less than
24 \$2,000,000 shall be made available for the Office of
25 Global Women’s Issues.

1 (3) DIPLOMATIC POLICY AND SUPPORT.—For
2 necessary expenses for the functional bureaus of the
3 Department of State including representation to cer-
4 tain international organizations in which the United
5 States participates pursuant to treaties ratified pur-
6 suant to the advice and consent of the Senate or
7 specific Acts of Congress, general administration,
8 and arms control, nonproliferation and disarmament
9 activities as authorized, \$892,012,000, to remain
10 available until September 30, 2011.

11 (4) SECURITY PROGRAMS.—For necessary ex-
12 penses for security activities, \$2,172,700,000, to re-
13 main available until September 30, 2011, of which
14 \$1,374,160,000 is for Worldwide Security Protection
15 and shall remain available until expended.

16 (5) FEES AND PAYMENTS COLLECTED.—In ad-
17 dition to amounts otherwise made available under
18 this heading—

19 (A) not to exceed \$1,653,305 shall be de-
20 rived from fees collected from other executive
21 agencies for lease or use of facilities located at
22 the International Center in accordance with sec-
23 tion 4 of the International Center Act, and, in
24 addition, as authorized by section 5 of such
25 Act, \$490,000, to be derived from the reserve

1 authorized by that section, to be used for the
2 purposes set out in that section;

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

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

15 (6) TRANSFER AND REPROGRAMMING.—

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

20 (B) Of the amount made available under
21 this heading, not to exceed \$10,000,000 may be
22 transferred to, and merged with, funds made
23 available by this Act under the heading “Emer-
24 gencies in the Diplomatic and Consular Serv-

1 ice”, to be available only for emergency evacu-
2 ations and rewards, as authorized.

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

10 CIVILIAN STABILIZATION INITIATIVE

11 For necessary expenses to support, maintain, mobi-
12 lize, and deploy a civilian response corps in coordination
13 with the United States Agency for International Develop-
14 ment, and for related reconstruction and stabilization as-
15 sistance to prevent or respond to conflict or civil strife in
16 foreign countries or regions, or to enable transition from
17 such strife, \$150,000,000, to remain available until ex-
18 pended: *Provided*, That funds appropriated under this
19 heading may be made available in fiscal year 2010 to pro-
20 vide administrative expenses for the Office of the Coordi-
21 nator for Reconstruction and Stabilization, Department of
22 State: *Provided further*, That notwithstanding any other
23 provision of law and following consultation with the Com-
24 mittees on Appropriations, the President may exercise
25 transfer authorities contained in the Foreign Assistance

1 Act of 1961 for reconstruction and stabilization assistance
2 managed by such Office, only to support an actively de-
3 ployed civilian response corps, subject to the regular noti-
4 fication procedures of the Committees on Appropriations:
5 *Provided further*, That of the funds appropriated under
6 this heading, up to \$75,000,000 may be made available
7 for deployments, except that no funds shall be made avail-
8 able for such purposes until the Secretary of State certifies
9 to the Committees on Appropriations that the Department
10 of State has signed a Memorandum of Understanding with
11 the Department of Defense relating to the provision of air-
12 lift for deployment of Civilian Response Corps personnel
13 and equipment: *Provided further*, That none of the funds
14 appropriated under this heading may be made available
15 for the establishment of a Civilian Response Corps Re-
16 serve Component: *Provided further*, That not more than
17 \$25,000,000 shall be made available for Civilian Response
18 Corps equipment, including not more than \$5,000,000 for
19 the purchase of armored vehicles: *Provided further*, That
20 not later than 45 days after enactment of this Act, the
21 Secretary of State, in consultation with the Administrator
22 of the United States Agency for International Develop-
23 ment, shall submit a spending plan for funds made avail-
24 able under this heading.

1 CAPITAL INVESTMENT FUND

2 For necessary expenses of the Capital Investment
3 Fund, \$160,000,000, to remain available until expended,
4 as authorized: *Provided*, That section 135(e) of Public
5 Law 103–236 shall not apply to funds available under this
6 heading.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General, \$100,000,000, notwithstanding section 209(a)(1)
10 of the Foreign Service Act of 1980 (Public Law 96–465),
11 as it relates to post inspections, of which \$23,000,000
12 shall be for the Special Inspector General for Iraq Recon-
13 struction for reconstruction oversight, and \$23,000,000
14 shall be for the Special Inspector General for Afghanistan
15 Reconstruction for reconstruction oversight.

16 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

17 For expenses of educational and cultural exchange
18 programs, as authorized, \$635,243,000, to remain avail-
19 able until expended: *Provided*, That not to exceed
20 \$5,000,000, to remain available until expended, may be
21 credited to this appropriation from fees or other payments
22 received from or in connection with English teaching, edu-
23 cational advising and counseling programs, and exchange
24 visitor programs as authorized.

1 REPRESENTATION ALLOWANCES

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

4 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

5 For expenses, not otherwise provided, to enable the
6 Secretary of State to provide for extraordinary protective
7 services, as authorized, \$27,159,000, to remain available
8 until September 30, 2011.

9 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

10 For necessary expenses for carrying out the Foreign
11 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
12 serving, maintaining, repairing, and planning for buildings
13 that are owned or directly leased by the Department of
14 State, renovating, in addition to funds otherwise available,
15 the Harry S Truman Building, and carrying out the Dip-
16 lomatic Security Construction Program as authorized,
17 \$876,850,000, to remain available until expended as au-
18 thorized, of which not to exceed \$25,000 may be used for
19 domestic and overseas representation as authorized: *Pro-*
20 *vided*, That none of the funds appropriated in this para-
21 graph shall be available for acquisition of furniture, fur-
22 nishings, or generators for other departments and agen-
23 cies.

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

1 REPATRIATION LOANS PROGRAM ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

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

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

11 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

12 For necessary expenses to carry out the Taiwan Rela-
13 tions Act (Public Law 96–8), \$21,174,000.

14 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
15 DISABILITY FUND

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

18 INTERNATIONAL ORGANIZATIONS

19 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

20 For necessary expenses, not otherwise provided for,
21 to meet annual obligations of membership in international
22 multilateral organizations, pursuant to treaties ratified
23 pursuant to the advice and consent of the Senate, conven-
24 tions or specific Acts of Congress, \$1,697,000,000: *Pro-*
25 *vided*, That the Secretary of State shall, at the time of

1 main available until September 30, 2010: *Provided*, That
2 none of the funds made available by this Act shall be obli-
3 gated or expended for any new or expanded United Na-
4 tions peacekeeping mission unless, at least 15 days in ad-
5 vance of voting for the new or expanded mission in the
6 United Nations Security Council (or in an emergency as
7 far in advance as is practicable): (1) the Committees on
8 Appropriations are notified of the estimated cost and
9 length of the mission, the national interest that will be
10 served, the planned exit strategy, and that the United Na-
11 tions has taken appropriate measures to prevent United
12 Nations employees, contractor personnel, and peace-
13 keeping forces serving in the mission from trafficking in
14 persons, exploiting victims of trafficking, or committing
15 acts of sexual exploitation, and to hold accountable indi-
16 viduals who engage in such acts while participating in the
17 peacekeeping mission, including the prosecution in their
18 home countries of such individuals in connection with such
19 acts; and (2) notification pursuant to section 7015 of this
20 Act is submitted, and the procedures therein followed, set-
21 ting forth the source of funds that will be used to pay
22 for the cost of the new or expanded mission: *Provided fur-*
23 *ther*, That funds shall be available for peacekeeping ex-
24 penses unless the Secretary of State determines that
25 American manufacturers and suppliers are not being given

1 opportunities to provide equipment, services, and material
2 for United Nations peacekeeping activities equal to those
3 being given to foreign manufacturers and suppliers.

4 INTERNATIONAL COMMISSIONS

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

8 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
9 UNITED STATES AND MEXICO

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

15 SALARIES AND EXPENSES

16 For salaries and expenses, not otherwise provided for,
17 \$33,000,000.

18 CONSTRUCTION

19 For detailed plan preparation and construction of au-
20 thorized projects, \$43,250,000, to remain available until
21 expended, as authorized.

22 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

23 For necessary expenses, not otherwise provided, for
24 the International Joint Commission and the International
25 Boundary Commission, United States and Canada, as au-

1 thORIZED by treaties between the United States and Can-
2 ada or Great Britain, and the Border Environment Co-
3 operation Commission as authorized by Public Law 103-
4 182, \$12,608,000: *Provided*, That of the amount provided
5 under this heading for the International Joint Commis-
6 sion, \$9,000 may be made available for representation ex-
7 penses.

8 INTERNATIONAL FISHERIES COMMISSIONS

9 For necessary expenses for international fisheries
10 commissions, not otherwise provided for, as authorized by
11 law, \$48,976,000: *Provided*, That the United States share
12 of such expenses may be advanced to the respective com-
13 missions pursuant to 31 U.S.C. 3324: *Provided further*,
14 That in addition to other funds available for such pur-
15 poses, funds available under this heading may be used to
16 make payments necessary to fulfill the United States' obli-
17 gations under the Pacific Salmon Treaty.

18 RELATED AGENCY

19 BROADCASTING BOARD OF GOVERNORS

20 INTERNATIONAL BROADCASTING OPERATIONS

21 For necessary expenses to enable the Broadcasting
22 Board of Governors, as authorized, to carry out inter-
23 national communication activities, including the purchase,
24 rent, construction, and improvement of facilities for radio
25 and television transmission and reception and purchase,

1 lease, and installation of necessary equipment for radio
2 and television transmission and reception to Cuba, and to
3 make and supervise grants for radio and television broad-
4 casting to the Middle East, \$717,828,000: *Provided*, That
5 none of the funds appropriated by this Act may be used
6 for TV Marti broadcasts to Cuba: *Provided further*, That
7 of the funds appropriated under this heading, not to ex-
8 ceed \$16,000 may be used for official receptions within
9 the United States as authorized, not to exceed \$35,000
10 may be used for representation abroad as authorized, and
11 not to exceed \$39,000 may be used for official reception
12 and representation expenses of Radio Free Europe/Radio
13 Liberty; and in addition, notwithstanding any other provi-
14 sion of law, not to exceed \$2,000,000 in receipts from ad-
15 vertising and revenue from business ventures, not to ex-
16 ceed \$500,000 in receipts from cooperating international
17 organizations, and not to exceed \$1,000,000 in receipts
18 from privatization efforts of the Voice of America and the
19 International Broadcasting Bureau, to remain available
20 until expended for carrying out authorized purposes.

21 BROADCASTING CAPITAL IMPROVEMENTS

22 For the purchase, rent, construction, and improve-
23 ment of facilities for radio and television transmission and
24 reception, and purchase and installation of necessary
25 equipment for radio and television transmission and recep-

1 tion as authorized, \$12,622,000, to remain available until
2 expended, as authorized.

3 RELATED PROGRAMS

4 THE ASIA FOUNDATION

5 For a grant to The Asia Foundation, as authorized
6 by The Asia Foundation Act (22 U.S.C. 4402),
7 \$19,000,000, to remain available until expended, as au-
8 thorized.

9 UNITED STATES INSTITUTE OF PEACE

10 For necessary expenses of the United States Institute
11 of Peace as authorized in the United States Institute of
12 Peace Act, \$49,220,000, to remain available until Sep-
13 tember 30, 2011, of which not more than \$15,000,000
14 may be used for construction activities.

15 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

16 TRUST FUND

17 For necessary expenses of the Center for Middle
18 Eastern-Western Dialogue Trust Fund, the total amount
19 of the interest and earnings accruing to such Fund on or
20 before September 30, 2010, to remain available until ex-
21 pended.

22 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

23 For necessary expenses of Eisenhower Exchange Fel-
24 lowships, Incorporated, as authorized by sections 4 and
25 5 of the Eisenhower Exchange Fellowship Act of 1990 (20

1 U.S.C. 5204–5205), all interest and earnings accruing to
2 the Eisenhower Exchange Fellowship Program Trust
3 Fund on or before September 30, 2010, to remain avail-
4 able until expended: *Provided*, That none of the funds ap-
5 propriated herein shall be used to pay any salary or other
6 compensation, or to enter into any contract providing for
7 the payment thereof, in excess of the rate authorized by
8 5 U.S.C. 5376; or for purposes which are not in accord-
9 ance with OMB Circulars A–110 (Uniform Administrative
10 Requirements) and A–122 (Cost Principles for Non-profit
11 Organizations), including the restrictions on compensation
12 for personal services.

13 ISRAELI ARAB SCHOLARSHIP PROGRAM

14 For necessary expenses of the Israeli Arab Scholar-
15 ship Program as authorized by section 214 of the Foreign
16 Relations Authorization Act, Fiscal Years 1992 and 1993
17 (22 U.S.C. 2452), all interest and earnings accruing to
18 the Israeli Arab Scholarship Fund on or before September
19 30, 2010, to remain available until expended.

20 EAST-WEST CENTER

21 To enable the Secretary of State to provide for car-
22 rying out the provisions of the Center for Cultural and
23 Technical Interchange Between East and West Act of
24 1960, by grant to the Center for Cultural and Technical
25 Interchange Between East and West in the State of Ha-

1 waii, \$24,000,000: *Provided*, That none of the funds ap-
2 propriated herein shall be used to pay any salary, or enter
3 into any contract providing for the payment thereof, in
4 excess of the rate authorized by 5 U.S.C. 5376.

5 NATIONAL ENDOWMENT FOR DEMOCRACY

6 For grants made by the Department of State to the
7 National Endowment for Democracy as authorized by the
8 National Endowment for Democracy Act, \$120,000,000,
9 to remain available until expended, of which \$100,000,000
10 shall be allocated in the traditional and customary manner
11 among the core institutes and \$20,000,000 shall be for
12 democracy, human rights, and rule of law programs: *Pro-*
13 *vided*, That the President of the National Endowment for
14 Democracy shall provide to the Committees on Appropria-
15 tions not later than 45 days after the date of enactment
16 of this Act a report on the proposed uses of funds under
17 this heading on a regional and country basis.

18 OTHER COMMISSIONS

19 COMMISSION FOR THE PRESERVATION OF AMERICA'S
20 HERITAGE ABROAD

21 SALARIES AND EXPENSES

22 For necessary expenses for the Commission for the
23 Preservation of America's Heritage Abroad, \$635,000, as
24 authorized by section 1303 of Public Law 99-83.

1 UNITED STATES COMMISSION ON INTERNATIONAL
2 RELIGIOUS FREEDOM
3 SALARIES AND EXPENSES

4 For necessary expenses for the United States Com-
5 mission on International Religious Freedom, as authorized
6 by title II of the International Religious Freedom Act of
7 1998 (Public Law 105–292), \$4,300,000, to remain avail-
8 able until September 30, 2011.

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, \$2,610,000, to remain available until Sep-
15 tember 30, 2011.

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, 2011.

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, \$3,500,000,
6 including not more than \$4,000 for the purpose of official
7 representation, to remain available until September 30,
8 2011: *Provided*, That the Commission shall provide to the
9 Committees on Appropriations a quarterly accounting of
10 the cumulative balances of any unobligated funds that
11 were received by the Commission during any previous fis-
12 cal year: *Provided further*, That section 308(e) of the
13 United States-China Relations Act of 2000 (22 U.S.C.
14 6918(e)) (relating to the treatment of employees as Con-
15 gressional employees), and section 309 of such Act (22
16 U.S.C. 6919) (relating to printing and binding costs),
17 shall apply to the Commission in the same manner as such
18 section applies to the Congressional-Executive Commis-
19 sion on the People's Republic of China: *Provided further*,
20 That the Commission shall comply with chapter 43 of title
21 5, United States Code, regarding the establishment and
22 regular review of employee performance appraisals: *Pro-*
23 *vided further*, That the Commission shall comply with sec-
24 tion 4505a of title 5, United States Code, with respect
25 to limitations on payment of performance-based cash

1 awards: *Provided further*, That compensation for the execu-
2 tive director of the Commission may not exceed the rate
3 payable for level II of the Executive Schedule under sec-
4 tion 5313 of title 5, United States Code: *Provided further*,
5 That travel by members and staff of the Commission shall
6 be arranged and conducted under the rules and procedures
7 applying to travel by members and staff of the House of
8 Representatives.

9 TITLE II

10 UNITED STATES AGENCY FOR INTERNATIONAL 11 DEVELOPMENT

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 OPERATING EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of section 667 of the Foreign Assistance Act of 1961,
17 \$1,388,800,000, of which up to \$105,000,000 may remain
18 available until September 30, 2011: *Provided*, That none
19 of the funds appropriated under this heading and under
20 the heading “Capital Investment Fund” in this Act may
21 be made available to finance the construction (including
22 architect and engineering services), purchase, or long-term
23 lease of offices for use by the United States Agency for
24 International Development (USAID), unless the USAID
25 Administrator has identified such proposed construction

1 (including architect and engineering services), purchase,
2 or long-term lease of offices in a report submitted to the
3 Committees on Appropriations at least 15 days prior to
4 the obligation of funds for such purposes: *Provided fur-*
5 *ther*, That the previous proviso shall not apply when the
6 total cost of construction (including architect and engi-
7 neering services), purchase, or long-term lease of offices
8 does not exceed \$1,000,000: *Provided further*, That of the
9 funds appropriated under this heading that are available
10 for capital investments related to the Development Lead-
11 ership Initiative, up to \$245,000,000 may remain avail-
12 able until September 30, 2014: *Provided further*, That
13 none of the funds appropriated by this Act for the hiring
14 of additional USAID personnel shall be made available for
15 obligation until the USAID Administrator submits to the
16 Committees on Appropriations a strategy, including fund-
17 ing requirements and justifications, for projected per-
18 sonnel requirements over the next three fiscal years: *Pro-*
19 *vided further*, That contracts or agreements entered into
20 with funds appropriated under this heading may entail
21 commitments for the expenditure of such funds through
22 the following fiscal year: *Provided further*, That any deci-
23 sion to open a new USAID overseas mission or office or,
24 except where there is a substantial security risk to mission
25 personnel, to close or significantly reduce the number of

1 personnel of any such mission or office, shall be subject
2 to the regular notification procedures of the Committees
3 on Appropriations: *Provided further*, That the authority of
4 sections 610 and 109 of the Foreign Assistance Act of
5 1961 may be exercised by the Secretary of State to trans-
6 fer funds appropriated to carry out chapter 1 of part I
7 of such Act to “Operating Expenses” in accordance with
8 the provisions of those sections: *Provided further*, That of
9 the funds appropriated or made available under this head-
10 ing, not to exceed \$250,000 may be available for represen-
11 tation and entertainment allowances, of which not to ex-
12 ceed \$5,000 may be available for entertainment allow-
13 ances, for USAID during the current fiscal year: *Provided*
14 *further*, That no such entertainment funds may be used
15 for the purposes listed in section 7020 of this Act: *Pro-*
16 *vided further*, That appropriate steps shall be taken to as-
17 sure that, to the maximum extent possible, United States-
18 owned foreign currencies are utilized in lieu of dollars.

19 CAPITAL INVESTMENT FUND

20 For necessary expenses for overseas construction and
21 related costs, and for the procurement and enhancement
22 of information technology and related capital investments,
23 pursuant to section 667 of the Foreign Assistance Act of
24 1961, \$213,000,000, to remain available until expended:
25 *Provided*, That this amount is in addition to funds other-

1 wise available for such purposes: *Provided further*, That
2 funds appropriated under this heading shall be available
3 for obligation only pursuant to the regular notification
4 procedures of the Committees on Appropriations.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses to carry out the provisions
7 of section 667 of the Foreign Assistance Act of 1961,
8 \$46,500,000, to remain available until September 30,
9 2011, which sum shall be available for the Office of the
10 Inspector General of the United States Agency for Inter-
11 national Development.

12 TITLE III

13 BILATERAL ECONOMIC ASSISTANCE

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 For necessary expenses to enable the President to
16 carry out the provisions of the Foreign Assistance Act of
17 1961, and for other purposes, to remain available until
18 September 30, 2010, unless otherwise specified herein, as
19 follows:

20 GLOBAL HEALTH AND CHILD SURVIVAL

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the provisions
23 of chapters 1 and 10 of part I of the Foreign Assistance
24 Act of 1961, for global health activities, in addition to
25 funds otherwise available for such purposes,

1 \$2,414,000,000, to remain available until September 30,
2 2011, and which shall be apportioned directly to the
3 United States Agency for International Development: *Pro-*
4 *vided*, That this amount shall be made available for such
5 activities as: (1) child survival and maternal health pro-
6 grams; (2) immunization and oral rehydration programs;
7 (3) other health, nutrition, water and sanitation programs
8 which directly address the needs of mothers and children,
9 and related education programs; (4) assistance for chil-
10 dren displaced or orphaned by causes other than AIDS;
11 (5) programs for the prevention, treatment, control of, and
12 research on HIV/AIDS, tuberculosis, polio, malaria, and
13 other infectious diseases including neglected tropical dis-
14 eases, and for assistance to communities severely affected
15 by HIV/AIDS, including children infected or affected by
16 AIDS; and (6) family planning/reproductive health: *Pro-*
17 *vided further*, That none of the funds appropriated under
18 this paragraph may be made available for nonproject as-
19 sistance, except that funds may be made available for such
20 assistance for ongoing health activities: *Provided further*,
21 That of the funds appropriated under this paragraph, not
22 to exceed \$400,000, in addition to funds otherwise avail-
23 able for such purposes, may be used to monitor and pro-
24 vide oversight of child survival, maternal and family plan-
25 ning/reproductive health, and infectious disease programs:

1 *Provided further*, That of the funds appropriated under
2 this paragraph, \$79,000,000 should be made available for
3 a United States contribution to The GAVI Fund: *Provided*
4 *further*, That none of the funds made available in this Act
5 nor any unobligated balances from prior appropriations
6 Acts may be made available to any organization or pro-
7 gram which, as determined by the President of the United
8 States, supports or participates in the management of a
9 program of coercive abortion or involuntary sterilization:
10 *Provided further*, That any determination made under the
11 previous proviso must be made no later than 6 months
12 after the date of enactment of this Act, and must be ac-
13 companied by the evidence and criteria utilized to make
14 the determination: *Provided further*, That none of the
15 funds made available under this Act may be used to pay
16 for the performance of abortion as a method of family
17 planning or to motivate or coerce any person to practice
18 abortions: *Provided further*, That nothing in this para-
19 graph shall be construed to alter any existing statutory
20 prohibitions against abortion under section 104 of the
21 Foreign Assistance Act of 1961: *Provided further*, That
22 none of the funds made available under this Act may be
23 used to lobby for or against abortion: *Provided further*,
24 That in order to reduce reliance on abortion in developing
25 nations, funds shall be available only to voluntary family

1 planning projects which offer, either directly or through
2 referral to, or information about access to, a broad range
3 of family planning methods and services, and that any
4 such voluntary family planning project shall meet the fol-
5 lowing requirements: (1) service providers or referral
6 agents in the project shall not implement or be subject
7 to quotas, or other numerical targets, of total number of
8 births, number of family planning acceptors, or acceptors
9 of a particular method of family planning (this provision
10 shall not be construed to include the use of quantitative
11 estimates or indicators for budgeting and planning pur-
12 poses); (2) the project shall not include payment of incen-
13 tives, bribes, gratuities, or financial reward to: (A) an indi-
14 vidual in exchange for becoming a family planning accep-
15 tor; or (B) program personnel for achieving a numerical
16 target or quota of total number of births, number of fam-
17 ily planning acceptors, or acceptors of a particular method
18 of family planning; (3) the project shall not deny any right
19 or benefit, including the right of access to participate in
20 any program of general welfare or the right of access to
21 health care, as a consequence of any individual's decision
22 not to accept family planning services; (4) the project shall
23 provide family planning acceptors comprehensible infor-
24 mation on the health benefits and risks of the method cho-
25 sen, including those conditions that might render the use

1 of the method inadvisable and those adverse side effects
2 known to be consequent to the use of the method; and
3 (5) the project shall ensure that experimental contracep-
4 tive drugs and devices and medical procedures are pro-
5 vided only in the context of a scientific study in which
6 participants are advised of potential risks and benefits;
7 and, not less than 60 days after the date on which the
8 Administrator of the United States Agency for Inter-
9 national Development determines that there has been a
10 violation of the requirements contained in paragraph (1),
11 (2), (3), or (5) of this proviso, or a pattern or practice
12 of violations of the requirements contained in paragraph
13 (4) of this proviso, the Administrator shall submit to the
14 Committees on Appropriations a report containing a de-
15 scription of such violation and the corrective action taken
16 by the Agency: *Provided further*, That in awarding grants
17 for natural family planning under section 104 of the For-
18 eign Assistance Act of 1961 no applicant shall be discrimi-
19 nated against because of such applicant's religious or con-
20 scientious commitment to offer only natural family plan-
21 ning; and, additionally, all such applicants shall comply
22 with the requirements of the previous proviso: *Provided*
23 *further*, That for purposes of this or any other Act author-
24 izing or appropriating funds for the Department of State,
25 foreign operations, and related programs, the term "moti-

1 vate”, as it relates to family planning assistance, shall not
2 be construed to prohibit the provision, consistent with
3 local law, of information or counseling about all pregnancy
4 options: *Provided further*, That information provided
5 about the use of condoms as part of projects or activities
6 that are funded from amounts appropriated by this Act
7 shall be medically accurate and shall include the public
8 health benefits and failure rates of such use.

9 In addition, for necessary expenses to carry out the
10 provisions of the Foreign Assistance Act of 1961 for the
11 prevention, treatment, and control of, and research on,
12 HIV/AIDS, \$5,359,000,000, to remain available until ex-
13 pended, and which shall be apportioned directly to the De-
14 partment of State: *Provided*, That of the funds appro-
15 priated under this paragraph, not less than \$700,000,000
16 shall be made available, notwithstanding any other provi-
17 sion of law, except for the United States Leadership
18 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
19 (Public Law 108–25), as amended, for a United States
20 contribution to the Global Fund to Fight AIDS, Tuber-
21 culosis and Malaria, and shall be expended at the min-
22 imum rate necessary to make timely payment for projects
23 and activities: *Provided further*, That up to 5 percent of
24 the aggregate amount of funds made available to the Glob-
25 al Fund in fiscal year 2010 may be made available to the

1 United States Agency for International Development for
2 technical assistance related to the activities of the Global
3 Fund: *Provided further*, That of the funds appropriated
4 under this paragraph, up to \$14,000,000 may be made
5 available, in addition to amounts otherwise available for
6 such purposes, for administrative expenses of the Office
7 of the Global AIDS Coordinator.

8 DEVELOPMENT ASSISTANCE

9 For necessary expenses to carry out the provisions
10 of sections 103, 105, 106, and sections 251 through 255,
11 and chapter 10 of part I of the Foreign Assistance Act
12 of 1961, \$2,567,000,000, to remain available until Sep-
13 tember 30, 2011: *Provided*, That of the funds appro-
14 priated under this heading that are made available for as-
15 sistance programs for displaced and orphaned children
16 and victims of war, not to exceed \$45,000, in addition to
17 funds otherwise available for such purposes, may be used
18 to monitor and provide oversight of such programs: *Pro-*
19 *vided further*, That of the funds appropriated by this Act
20 and prior Acts for fiscal year 2009, not less than
21 \$265,000,000 shall be made available for microenterprise
22 and microfinance development programs for the poor, es-
23 pecially women: *Provided further*, That of the funds appro-
24 priated under this heading, not less than \$23,000,000
25 shall be made available for the American Schools and Hos-

1 pitals Abroad program: *Provided further*, That of the
2 funds appropriated under this heading, \$10,000,000 shall
3 be made available for cooperative development programs
4 within the Office of Private and Voluntary Cooperation,
5 United States Agency for International Development: *Pro-*
6 *vided further*, That of the funds appropriated by this Act
7 and prior Acts for fiscal year 2009, not less than
8 \$315,000,000 shall be made available for water and sani-
9 tation supply projects pursuant to the Senator Paul Simon
10 Water for the Poor Act of 2005 (Public Law 109–121):
11 *Provided further*, That the relevant bureaus and offices of
12 the United States Agency for International Development
13 that support water-related programs shall coordinate such
14 programs on a regular basis: *Provided further*, That of the
15 funds appropriated by title III of this Act, not less than
16 \$1,500,000,000 should be made available for agriculture
17 development and food security programs, including for
18 local or regional purchase and distribution of food, in addi-
19 tion to funds otherwise made available for such purposes,
20 and notwithstanding any other provision of law, of which
21 not less than \$31,000,000 shall be made available for Col-
22 laborative Research Support Programs: *Provided further*,
23 That prior to the obligation of funds pursuant to the pre-
24 vious proviso and after consultation with other relevant
25 Federal departments and agencies, the Committees on Ap-

1 appropriations, and relevant nongovernmental organizations,
2 the Administrator of the United States Agency for Inter-
3 national Development shall submit to the Committees on
4 Appropriations a strategy for achieving food security and
5 agriculture development program goals: *Provided further*,
6 That of the funds appropriated under this heading for ag-
7 riculture development programs, \$10,000,000 shall be
8 made available for a United States contribution to the en-
9 dowment of the Global Crop Diversity Trust pursuant to
10 section 3202 of Public Law 110–246.

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, \$855,000,000, 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 \$65,000,000, 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 terest to furnish assistance on an emergency basis on such
2 terms and conditions as the Secretary may determine,
3 after consultation with Congress, for the purpose of re-
4 sponding to such crises, including support for peace-
5 keeping and humanitarian intervention operations: *Pro-*
6 *vided further*, That none of the funds appropriated under
7 this heading shall be available to respond to natural disas-
8 ters: *Provided further*, That funds appropriated by this
9 paragraph shall be made available notwithstanding section
10 10 of Public Law 91–672 and section 15 of the State De-
11 partment Basic Authorities Act of 1956: *Provided further*,
12 That the Secretary of State may furnish assistance under
13 this heading notwithstanding any other provision of law,
14 except sections 7007 and 7008 of this Act and section
15 620J of the Foreign Assistance Act of 1961: *Provided fur-*
16 *ther*, That funds appropriated under this heading shall be
17 subject to the regular notification procedures of the Com-
18 mittees on Appropriations, except that notification shall
19 be transmitted at least 5 days in advance of the obligation
20 of funds: *Provided further*, That the requirements of the
21 previous proviso may be waived if failure to do so would
22 pose a substantial risk to human health or welfare: *Pro-*
23 *vided further*, That in case of any such waiver, notification
24 to the Committees on Appropriations shall be provided as
25 early as practicable, but in no event later than 3 days after

1 taking the action to which such notification requirement
2 was applicable, in the context of the circumstances neces-
3 sitating such waiver: *Provided further*, That any notifica-
4 tion provided pursuant to such waiver shall contain an ex-
5 planation of the emergency circumstances.

6 DEVELOPMENT CREDIT AUTHORITY

7 (INCLUDING TRANSFER OF FUNDS)

8 For the cost of direct loans and loan guarantees pro-
9 vided by the United States Agency for International De-
10 velopment, as authorized by sections 256 and 635 of the
11 Foreign Assistance Act of 1961, up to \$25,000,000 may
12 be derived by transfer from funds appropriated by this Act
13 to carry out part I of such Act and under the heading
14 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
15 *vided*, That funds provided under this paragraph and
16 funds provided as a gift pursuant to section 635(d) of the
17 Foreign Assistance Act of 1961 shall be made available
18 only for micro and small enterprise programs, urban pro-
19 grams, and other programs which further the purposes of
20 part I of such Act: *Provided further*, That such costs, in-
21 cluding the cost of modifying such direct and guaranteed
22 loans, shall be as defined in section 502 of the Congres-
23 sional Budget Act of 1974, as amended: *Provided further*,
24 That funds made available by this paragraph may be used
25 for the cost of modifying any such guaranteed loans under

1 this Act or prior Acts, and funds used for such costs shall
2 be subject to the regular notification procedures of the
3 Committees on Appropriations: *Provided further*, That the
4 provisions of section 107A(d) (relating to general provi-
5 sions applicable to the Development Credit Authority) of
6 the Foreign Assistance Act of 1961, as contained in sec-
7 tion 306 of H.R. 1486 as reported by the House Com-
8 mittee on International Relations on May 9, 1997, shall
9 be applicable to direct loans and loan guarantees provided
10 under this heading: *Provided further*, That these funds are
11 available to subsidize total loan principal, any portion of
12 which is to be guaranteed, of up to \$700,000,000.

13 In addition, for administrative expenses to carry out
14 credit programs administered by the United States Agency
15 for International Development, \$8,600,000, which may be
16 transferred to, and merged with, funds made available
17 under the heading “Operating Expenses” in title II of this
18 Act: *Provided*, That funds made available under this head-
19 ing shall remain available until September 30, 2012.

20 ECONOMIC SUPPORT FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the provisions
23 of chapter 4 of part II of the Foreign Assistance Act of
24 1961, \$6,370,000,000, to remain available until Sep-
25 tember 30, 2011: *Provided*, That \$11,000,000 of the

1 funds appropriated under this heading should be made
2 available for Cyprus to be used only for scholarships, ad-
3 ministrative support of the scholarship program,
4 bicommunal projects, and measures aimed at reunification
5 of the island and designed to reduce tensions and promote
6 peace and cooperation between the two communities on
7 Cyprus: *Provided further*, That of the funds appropriated
8 under this heading, \$199,000,000 shall be apportioned di-
9 rectly to USAID for alternative development/institution
10 building programs in Colombia: *Provided further*, That of
11 the funds appropriated under this heading that are avail-
12 able for assistance for Colombia, not less than
13 \$10,000,000 shall be transferred to, and merged with,
14 funds appropriated under the heading “Migration and
15 Refugee Assistance” and shall be made available only for
16 nongovernmental organizations that provide direct services
17 to Colombian refugees and host communities in Ecuador
18 and other neighboring countries: *Provided further*, That
19 of the funds appropriated under this heading that are
20 available for assistance for Afghanistan and Pakistan, as-
21 sistance may be provided notwithstanding any provision
22 of law that restricts assistance to foreign countries for
23 cross border stabilization and development programs be-
24 tween Afghanistan and Pakistan or between either country
25 and the Central Asian Republics: *Provided further*, That

1 funds appropriated under this heading that are made
2 available for assistance for infrastructure projects in Paki-
3 stan shall be implemented in a manner consistent with sec-
4 tion 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)):
5 *Provided further*, That of the funds appropriated under
6 this heading, not less than \$182,650,000 shall be made
7 available for programs and activities of the Bureau of
8 Oceans and International Environment and Scientific Af-
9 fairs, Department of State: *Provided further*, That funds
10 appropriated by this Act may be made available for bilat-
11 eral environmental programs, and Asian regional pro-
12 grams that may include countries ineligible for United
13 States assistance, notwithstanding any other provision of
14 law, and subject to the regular notification procedures of
15 the Committees on Appropriations.

16 DEMOCRACY FUND

17 For necessary expenses to carry out the provisions
18 of the Foreign Assistance Act of 1961 for the promotion
19 of democracy globally, \$120,000,000, to remain available
20 until September 30, 2011, of which not less than
21 \$79,000,000 shall be made available for the Human
22 Rights and Democracy Fund of the Bureau of Democracy,
23 Human Rights and Labor, Department of State, and not
24 less than \$41,000,000 shall be made available for the Of-
25 fice of Democracy and Governance of the Bureau for De-

1 mocracy, Conflict, and Humanitarian Assistance, United
2 States Agency for International Development: *Provided*,
3 That of the funds appropriated under this heading that
4 are made available to the Bureau of Democracy, Human
5 Rights and Labor, not less than \$19,000,000 shall be
6 made available for the promotion of democracy in the Peo-
7 ple's Republic of China, Hong Kong, and Taiwan, and not
8 less than \$6,500,000 shall be made available for the pro-
9 motion of democracy in countries located outside the Mid-
10 dle East region with a significant Muslim population, and
11 where such programs and activities would be important
12 to respond to, deter, or prevent extremism: *Provided fur-*
13 *ther*, That assistance for Taiwan should be matched from
14 sources other than the United States Government.

15 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

16 For necessary expenses to carry out the provisions
17 of the Foreign Assistance Act of 1961, the FREEDOM
18 Support Act, and the Support for East European Democ-
19 racy (SEED) Act of 1989, \$745,000,000, to remain avail-
20 able until September 30, 2011, which shall be available,
21 notwithstanding any other provision of law, for assistance
22 and for related programs for countries identified in section
23 3 of the FREEDOM Support Act and section 3(c) of the
24 SEED Act: *Provided*, That funds appropriated under this
25 heading shall be considered to be economic assistance

1 under the Foreign Assistance Act of 1961 for purposes
2 of making available the administrative authorities con-
3 tained in that Act for the use of economic assistance: *Pro-*
4 *vided further*, That notwithstanding any provision of this
5 or any other Act, funds appropriated in prior years under
6 the headings “Independent States of the Former Soviet
7 Union” and similar headings and “Assistance for Eastern
8 Europe and the Baltic States” and similar headings, and
9 currencies generated by or converted from such funds,
10 shall be available for use in any country for which funds
11 are made available under this heading without regard to
12 the geographic limitations of the heading under which
13 such funds were originally appropriated: *Provided further*,
14 That funds made available for the Southern Caucasus re-
15 gion may be used for confidence-building measures and
16 other activities in furtherance of the peaceful resolution
17 of conflicts: *Provided further*, That of the funds appro-
18 priated under this heading, not less than \$9,000,000 shall
19 be made available for humanitarian, conflict mitigation,
20 human rights, civil society, and relief and reconstruction
21 assistance for the North Caucasus: *Provided further*, That
22 of the funds appropriated under this heading that are
23 available for assistance for Russia, not less than \$500,000
24 shall be made available to the United States Foreign Serv-

1 ice for forest management and wildlife conservation pro-
2 grams in the Russia Far East and Ukraine.

3 DEPARTMENT OF STATE

4 INTERNATIONAL NARCOTICS CONTROL AND LAW

5 ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$1,525,000,000, to
8 remain available until September 30, 2011: *Provided*,
9 That during fiscal year 2010, the Department of State
10 may also use the authority of section 608 of the Foreign
11 Assistance Act of 1961, without regard to its restrictions,
12 to receive excess property from an agency of the United
13 States Government for the purpose of providing it to a
14 foreign country or international organization under chap-
15 ter 8 of part I of that Act subject to the regular notifica-
16 tion procedures of the Committees on Appropriations: *Pro-*
17 *vided further*, That the Secretary of State shall provide
18 to the Committees on Appropriations not later than 45
19 days after the date of the enactment of this Act and prior
20 to the initial obligation of funds appropriated under this
21 heading, a report on the proposed uses of all funds under
22 this heading on a country-by-country basis for each pro-
23 posed program, project, or activity: *Provided further*, That
24 section 482(b) of the Foreign Assistance Act of 1961 shall
25 not apply to funds appropriated under this heading: *Pro-*

1 *vided further*, That assistance provided with funds appro-
2 priated under this heading that is made available notwith-
3 standing section 482(b) of the Foreign Assistance Act of
4 1961 shall be made available subject to the regular notifi-
5 cation procedures of the Committees on Appropriations:
6 *Provided further*, That of the funds appropriated under
7 this heading, \$5,000,000 should be made available to com-
8 bat piracy of United States copyrighted materials, con-
9 sistent with the requirements of section 688(a) and (b)
10 of the Department of State, Foreign Operations, and Re-
11 lated Programs Appropriations Act, 2008 (division J of
12 Public Law 110–161): *Provided further*, That none of the
13 funds appropriated under this heading for assistance for
14 Colombia shall be made available for budget support or
15 as cash payments.

16 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
17 RELATED PROGRAMS

18 For necessary expenses for nonproliferation, anti-ter-
19 rorism, demining and related programs and activities,
20 \$761,165,000, to carry out the provisions of chapter 8 of
21 part II of the Foreign Assistance Act of 1961 for anti-
22 terrorism assistance, chapter 9 of part II of the Foreign
23 Assistance Act of 1961, section 504 of the FREEDOM
24 Support Act, section 23 of the Arms Export Control Act
25 or the Foreign Assistance Act of 1961 for demining activi-

1 ties, the clearance of unexploded ordnance, the destruction
2 of small arms, and related activities, notwithstanding any
3 other provision of law, including activities implemented
4 through nongovernmental and international organizations,
5 and section 301 of the Foreign Assistance Act of 1961
6 for a voluntary contribution to the International Atomic
7 Energy Agency, and for a United States contribution to
8 the Comprehensive Nuclear Test Ban Treaty Preparatory
9 Commission: *Provided*, That of this amount not to exceed
10 \$75,000,000, to remain available until expended, may be
11 made available for the Nonproliferation and Disarmament
12 Fund, notwithstanding any other provision of law, to pro-
13 mote bilateral and multilateral activities relating to non-
14 proliferation and disarmament: *Provided further*, That
15 such funds may also be used for such countries other than
16 the Independent States of the former Soviet Union and
17 international organizations when it is in the national secu-
18 rity interest of the United States to do so: *Provided fur-*
19 *ther*, That of the funds appropriated under this heading,
20 not less than \$37,000,000 shall be made available for the
21 Biosecurity Engagement Program, of which not less than
22 \$6,000,000 shall be made available to continue biological
23 threat reduction programs in Pakistan: *Provided further*,
24 That funds appropriated under this heading may be made
25 available for the International Atomic Energy Agency un-

1 less the Secretary of State determines that Israel is being
2 denied its right to participate in the activities of that
3 Agency: *Provided further*, That of the funds appropriated
4 under this heading, not more than \$500,000 may be made
5 available for public-private partnerships for conventional
6 weapons and mine action by grant, cooperative agreement
7 or contract: *Provided further*, That of the funds made
8 available for demining and related activities, not to exceed
9 \$700,000, in addition to funds otherwise available for such
10 purposes, may be used for administrative expenses related
11 to the operation and management of the demining pro-
12 gram: *Provided further*, That funds appropriated under
13 this heading that are available for “Anti-terrorism Assist-
14 ance” and “Export Control and Border Security” shall re-
15 main available until September 30, 2011.

16 MIGRATION AND REFUGEE ASSISTANCE

17 For necessary expenses, not otherwise provided for,
18 to enable the Secretary of State to provide, as authorized
19 by law, a contribution to the International Committee of
20 the Red Cross, assistance to refugees, including contribu-
21 tions to the International Organization for Migration and
22 the United Nations High Commissioner for Refugees, and
23 other activities to meet refugee and migration needs; sala-
24 ries and expenses of personnel and dependents as author-
25 ized by the Foreign Service Act of 1980; allowances as

1 authorized by sections 5921 through 5925 of title 5,
2 United States Code; purchase and hire of passenger motor
3 vehicles; and services as authorized by section 3109 of title
4 5, United States Code, \$1,677,800,000, to remain avail-
5 able until expended: *Provided*, That of the funds appro-
6 priated under this heading, \$25,000,000 shall be made
7 available for refugees resettling in Israel: *Provided further*,
8 That none of the funds made available pursuant to the
9 previous proviso may be made available for assistance for
10 any refugee who resides in any Israeli settlement or out-
11 post in the West Bank.

12 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
13 ASSISTANCE FUND

14 For necessary expenses to carry out the provisions
15 of section 2(c) of the Migration and Refugee Assistance
16 Act of 1962, as amended (22 U.S.C. 2601(c)),
17 \$75,000,000, to remain available until expended: *Pro-*
18 *vided*, That funds made available under this heading are
19 appropriated notwithstanding the provisions contained in
20 section 2(c)(2) of such Act which would limit the amount
21 of funds which could be appropriated for this purpose.

1 INDEPENDENT AGENCIES

2 PEACE CORPS

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out the provisions
5 of the Peace Corps Act (22 U.S.C. 2501–2523),
6 \$373,440,000, to remain available until September 30,
7 2011: *Provided*, That none of the funds appropriated
8 under this heading shall be used to pay for abortions: *Pro-*
9 *vided further*, That the Director of the Peace Corps may
10 transfer to the Foreign Currency Fluctuations Account,
11 as authorized by 22 U.S.C. 2515, an amount not to exceed
12 \$5,000,000: *Provided further*, That funds transferred pur-
13 suant to the previous proviso may not be derived from
14 amounts made available for Peace Corps overseas oper-
15 ations: *Provided further*, That of the funds appropriated
16 under this heading, not to exceed \$4,000 may be made
17 available for entertainment expenses: *Provided further*,
18 That any decision to open a new domestic office or to
19 close, or significantly reduce the number of personnel of,
20 any office, shall be subject to prior consultation with the
21 Committees on Appropriations: *Provided further*, That not
22 later than 180 days after enactment of this Act, the Direc-
23 tor of the Peace Corps shall submit a report to the Com-
24 mittees on Appropriations and Foreign Relations of the
25 Senate, and the Committees on Appropriations and For-

1 eign Affairs of the House of Representatives, consistent
2 with the requirements of section 3 of the Peace Corps Im-
3 provement and Expansion Act of 2009 (S. 1382), as intro-
4 duced in the Senate on June 25, 2009.

5 MILLENNIUM CHALLENGE CORPORATION
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out the provisions
8 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701
9 et seq.), \$950,000,000 to remain available until expended:
10 *Provided*, That of the funds appropriated under this head-
11 ing, up to \$95,000,000 may be available for administrative
12 expenses of the Millennium Challenge Corporation (the
13 Corporation): *Provided further*, That up to 10 percent of
14 the funds appropriated under this heading may be made
15 available to carry out the purposes of section 616 of the
16 Millennium Challenge Act of 2003 for fiscal year 2010:
17 *Provided further*, That none of the funds available to carry
18 out section 616 of such Act may be made available until
19 the Chief Executive Officer of the Corporation provides
20 a report to the Committees on Appropriations listing the
21 candidate countries that will be receiving assistance under
22 section 616 of such Act, the level of assistance proposed
23 for each such country, a description of the proposed pro-
24 grams, projects and activities, and the implementing agen-
25 cy or agencies of the United States Government: *Provided*

1 *further*, That section 605(e)(4) of such Act shall apply to
2 funds appropriated under this heading: *Provided further*,
3 That funds appropriated under this heading should be
4 made available for a Millennium Challenge Compact en-
5 tered into pursuant to section 609 of such Act 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 Corporation should reimburse the United States
12 Agency for International Development (USAID) for all ex-
13 penses incurred by USAID with funds appropriated under
14 this heading in assisting the Corporation in carrying out
15 such Act, including administrative costs for compact devel-
16 opment, negotiation, and implementation: *Provided fur-*
17 *ther*, That funds appropriated by this Act or any prior Act
18 appropriating funds for the Department of State, foreign
19 operations, and related programs that are made available
20 for a Millennium Challenge Compact and that are sus-
21 pended or terminated by the Chief Executive Officer of
22 the Corporation shall be subject to the regular notification
23 procedures of the Committees on Appropriations prior to
24 re-obligation: *Provided further*, That of the funds appro-
25 priated under this heading, not to exceed \$100,000 shall

1 be available for representation and entertainment allow-
2 ances, of which not to exceed \$5,000 shall be available
3 for entertainment allowances.

4 INTER-AMERICAN FOUNDATION

5 For necessary expenses to carry out the functions of
6 the Inter-American Foundation in accordance with the
7 provisions of section 401 of the Foreign Assistance Act
8 of 1961, \$23,000,000, to remain available until September
9 30, 2011: *Provided*, That of the funds appropriated under
10 this heading, not to exceed \$2,000 may be available for
11 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), \$30,000,000, to remain
16 available until September 30, 2011: *Provided*, That funds
17 made available to grantees may be invested pending ex-
18 penditure for project purposes when authorized by the
19 Board of Directors of the Foundation: *Provided further*,
20 That interest earned shall be used only for the purposes
21 for which the grant was made: *Provided further*, That not-
22 withstanding section 505(a)(2) of the African Develop-
23 ment Foundation Act, in exceptional circumstances the
24 Board of Directors of the Foundation may waive the
25 \$250,000 limitation contained in that section with respect

1 to a project and a project may exceed the limitation by
2 up to \$10,000 if the increase is due solely to foreign cur-
3 rency fluctuation: *Provided further*, That the Foundation
4 shall provide a report to the Committees on Appropria-
5 tions after each time such waiver authority is exercised.

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 2012, 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 \$60,000,000, to remain available until September 30,
11 2012: *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 amounts
15 paid to the Heavily Indebted Poor Countries (HIPC)
16 Trust Fund may be used only to fund debt reduction
17 under the enhanced HIPC initiative by—

- 18 (1) the Inter-American Development Bank;
- 19 (2) the African Development Fund;
- 20 (3) the African Development Bank; and
- 21 (4) the Central American Bank for Economic

22 Integration:

23 *Provided further*, That funds may not be paid to the HIPC
24 Trust Fund for the benefit of any country if the Secretary
25 of State has credible evidence that the central government

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

20 (1) have committed, for a period of 24 months,
21 not to accept new market-rate loans from the inter-
22 national financial institution receiving debt repay-
23 ment as a result of such disbursement, other than
24 loans made by such institutions to export-oriented
25 commercial projects that generate foreign exchange

1 which are generally referred to as “enclave” loans;
2 and

3 (2) have documented and demonstrated their
4 commitment to redirect their budgetary resources
5 from international debt repayments to programs to
6 alleviate poverty and promote economic growth that
7 are additional to or expand upon those previously
8 available for such purposes:

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

18

TITLE IV

19

INTERNATIONAL SECURITY ASSISTANCE

20

FUNDS APPROPRIATED TO THE PRESIDENT

21

PEACEKEEPING OPERATIONS

22

23 For necessary expenses to carry out the provisions
24 of section 551 of the Foreign Assistance Act of 1961,
25 \$331,500,000: *Provided*, That funds appropriated under
this heading may be used, notwithstanding section 660 of

1 such Act, to provide assistance to enhance the capacity
2 of foreign civilian security forces to participate in peace-
3 keeping operations: *Provided further*, That of the funds
4 appropriated under this heading, up to \$102,000,000 may
5 be made available for assistance for Somalia, of which up
6 to \$55,000,000 may be used to pay assessed expenses of
7 international peacekeeping activities in Somalia: *Provided*
8 *further*, That of the funds appropriated under this head-
9 ing, not less than \$26,000,000 shall be made available for
10 a United States contribution to the Multinational Force
11 and Observers mission in the Sinai: *Provided further*, That
12 none of the funds appropriated under this heading shall
13 be obligated or expended except as provided through the
14 regular notification procedures of the Committees on Ap-
15 propriations.

16 INTERNATIONAL MILITARY EDUCATION AND TRAINING

17 For necessary expenses to carry out the provisions
18 of section 541 of the Foreign Assistance Act of 1961,
19 \$105,150,000, of which up to \$4,000,000 may remain
20 available until expended and may only be provided through
21 the regular notification procedures of the Committees on
22 Appropriations: *Provided*, That the civilian personnel for
23 whom military education and training may be provided
24 under this heading may include civilians who are not mem-
25 bers of a government whose participation would contribute

1 to improved civil-military relations, civilian control of the
2 military, or respect for human rights: *Provided further,*
3 That funds made available under this heading for assist-
4 ance for Angola, Bangladesh, Cameroon, Central African
5 Republic, Chad, Cote d'Ivoire, Democratic Republic of the
6 Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya,
7 Nepal, and Sri Lanka may only be provided through the
8 regular notification procedures of the Committees on Ap-
9 propriations and any such notification shall include a de-
10 tailed description of proposed activities, and none of the
11 funds appropriated under this heading may be made avail-
12 able for assistance for Equatorial Guinea: *Provided fur-*
13 *ther,* That of the funds appropriated under this heading,
14 not to exceed \$55,000 shall be available for entertainment
15 allowances.

16 FOREIGN MILITARY FINANCING PROGRAM

17 For necessary expenses for grants to enable the
18 President to carry out the provisions of section 23 of the
19 Arms Export Control Act, \$3,989,000,000: *Provided,*
20 That to expedite the provision of assistance to foreign
21 countries and international organizations, the Secretary of
22 State, following consultation with the Committees on Ap-
23 propriations and subject to the regular notification proce-
24 dures of such Committees, may use the funds appro-
25 priated under this heading to procure defense articles and

1 services to enhance the capacity of foreign security forces:
2 *Provided further*, That funds appropriated under this
3 heading for assistance for Pakistan may be made available
4 only for border security, counter-terrorism and law en-
5 forcement activities directed against Al Qaeda, the
6 Taliban and associated terrorist groups: *Provided further*,
7 That none of the funds made available under this heading
8 shall be made available to support or continue any pro-
9 gram initially funded under the authority of section 1206
10 of the National Defense Authorization Act for Fiscal Year
11 2006 (Public Law 109–163; 119 Stat. 3456) unless the
12 Secretary of State has previously justified such program
13 to the Committees on Appropriations: *Provided further*,
14 That funds appropriated or otherwise made available by
15 this paragraph shall be nonrepayable notwithstanding any
16 requirement in section 23 of the Arms Export Control Act:
17 *Provided further*, That funds made available under this
18 paragraph shall be obligated upon apportionment in ac-
19 cordance with paragraph (5)(C) of title 31, United States
20 Code, section 1501(a): *Provided further*, That not less
21 than \$2,000,000 of the funds appropriated under this
22 heading shall be transferred to, and merged with, funds
23 appropriated by this Act under the heading “Diplomatic
24 and Consular Programs” to be made available to the Bu-
25 reau of Democracy, Human Rights and Labor, Depart-

1 ment of State, to support monitoring of the uses of assist-
2 ance made available under this heading, in addition to
3 amounts otherwise available for such purposes, subject to
4 prior consultation with the Committees on Appropriations.

5 None of the funds made available under this heading
6 shall be available to finance the procurement of defense
7 articles, defense services, or design and construction serv-
8 ices that are not sold by the United States Government
9 under the Arms Export Control Act unless the foreign
10 country proposing to make such procurements has first
11 signed an agreement with the United States Government
12 specifying the conditions under which such procurements
13 may be financed with such funds: *Provided*, That all coun-
14 try and funding level increases in allocations shall be sub-
15 mitted through the regular notification procedures of sec-
16 tion 7015 of this Act: *Provided further*, That none of the
17 funds appropriated under this heading may be made avail-
18 able for assistance for Bangladesh, Cambodia, Democratic
19 Republic of the Congo, Ethiopia, Guatemala, Haiti, Indo-
20 nesia, Kenya, Nepal, Pakistan, Philippines, and Sri Lanka
21 except pursuant to the regular notification procedures of
22 the Committees on Appropriations: *Provided further*, That
23 funds made available under this heading may be used, not-
24 withstanding any other provision of law, for demining, the
25 clearance of unexploded ordnance, and related activities,

1 and may include activities implemented through non-
2 governmental and international organizations: *Provided*
3 *further*, That only those countries for which assistance was
4 justified for the “Foreign Military Sales Financing Pro-
5 gram” in the fiscal year 1989 congressional presentation
6 for security assistance programs may utilize funds made
7 available under this heading for procurement of defense
8 articles, defense services or design and construction serv-
9 ices that are not sold by the United States Government
10 under the Arms Export Control Act: *Provided further*,
11 That funds appropriated under this heading shall be ex-
12 pended at the minimum rate necessary to make timely
13 payment for defense articles and services: *Provided fur-*
14 *ther*, That not more than \$52,464,000 of the funds appro-
15 priated under this heading may be obligated for necessary
16 expenses, including the purchase of passenger motor vehi-
17 cles for replacement only for use outside of the United
18 States, for the general costs of administering military as-
19 sistance and sales, except that this limitation may be ex-
20 ceeded only through the regular notification procedures of
21 the Committees on Appropriations: *Provided further*, That
22 of the funds appropriated under this heading for general
23 costs of administering military assistance and sales, not
24 to exceed \$4,000 shall be available for entertainment ex-
25 penses and not to exceed \$130,000 shall be available for

1 representation allowances: *Provided further*, That not
2 more than \$550,000,000 of funds realized pursuant to
3 section 21(e)(1)(A) of the Arms Export Control Act may
4 be obligated for expenses incurred by the Department of
5 Defense during fiscal year 2010 pursuant to section 43(b)
6 of such Act, except that this limitation may be exceeded
7 only through the regular notification procedures of the
8 Committees on Appropriations.

9 TITLE V

10 MULTILATERAL ASSISTANCE

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

13 For necessary expenses to carry out the provisions
14 of section 301 of the Foreign Assistance Act of 1961, and
15 of section 2 of the United Nations Environment Program
16 Participation Act of 1973, \$393,000,000: *Provided*, That
17 section 307(a) of the Foreign Assistance Act of 1961 shall
18 not apply to contributions to the United Nations Democ-
19 racy Fund.

20 INTERNATIONAL FINANCIAL INSTITUTIONS

21 GLOBAL ENVIRONMENT FACILITY

22 For the United States contribution for the Global En-
23 vironment Facility, \$86,500,000, to the International
24 Bank for Reconstruction and Development as trustee for

1 the Global Environment Facility, by the Secretary of the
2 Treasury, to remain available until expended.

3 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
4 ASSOCIATION

5 For payment to the International Development Asso-
6 ciation by the Secretary of the Treasury, \$1,320,000,000,
7 to remain available until expended.

8 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

9 For contributions to the multilateral Clean Tech-
10 nology Fund, \$400,000,000, to remain available until ex-
11 pended.

12 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

13 For contributions to the multilateral Strategic Cli-
14 mate Fund, \$75,000,000, to remain available until ex-
15 pended.

16 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
17 BANK

18 For payment to the Inter-American Investment Cor-
19 poration by the Secretary of the Treasury, \$4,670,000, to
20 remain available until expended.

21 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
22 MULTILATERAL INVESTMENT FUND

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

1 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

2 For the United States contribution by the Secretary
3 of the Treasury to the increase in resources of the Asian
4 Development Fund, as authorized by the Asian Develop-
5 ment Bank Act, as amended, \$115,250,000, to remain
6 available until expended.

7 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

8 For the United States contribution by the Secretary
9 of the Treasury to the increase in resources of the African
10 Development Fund, \$159,885,000, to remain available
11 until expended.

12 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

13 AGRICULTURAL DEVELOPMENT

14 For the United States contribution by the Secretary
15 of the Treasury to increase the resources of the Inter-
16 national Fund for Agricultural Development,
17 \$30,000,000, to remain available until expended.

18 TITLE VI

19 EXPORT AND INVESTMENT ASSISTANCE

20 EXPORT-IMPORT BANK OF THE UNITED STATES

21 INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, as amended, \$2,500,000, to remain
25 available until September 30, 2011.

PROGRAM ACCOUNT

1
2 The Export-Import Bank of the United States is au-
3 thorized to make such expenditures within the limits of
4 funds and borrowing authority available to such corpora-
5 tion, and in accordance with law, and to make such con-
6 tracts and commitments without regard to fiscal year limi-
7 tations, as provided by section 104 of the Government
8 Corporation Control Act, as may be necessary in carrying
9 out the program for the current fiscal year for such cor-
10 poration: *Provided*, That none of the funds available dur-
11 ing the current fiscal year may be used to make expendi-
12 tures, contracts, or commitments for the export of nuclear
13 equipment, fuel, or technology to any country, other than
14 a nuclear-weapon state as defined in Article IX of the
15 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
16 ble to receive economic or military assistance under this
17 Act, that has detonated a nuclear explosive after the date
18 of the enactment of this Act: *Provided further*, That not-
19 withstanding section 1(c) of Public Law 103–428, as
20 amended, sections 1(a) and (b) of Public Law 103–428
21 shall remain in effect through October 1, 2010: *Provided*
22 *further*, That not less than 10 percent of the aggregate
23 loan, guarantee, and insurance authority available to the
24 Export-Import Bank under this Act should be used for

1 renewable energy technologies or end-use energy efficiency
2 technologies.

3 SUBSIDY APPROPRIATION

4 For the cost of direct loans, loan guarantees, insur-
5 ance, and tied-aid grants as authorized by section 10 of
6 the Export-Import Bank Act of 1945, as amended, not
7 to exceed \$58,000,000: *Provided*, That such costs, includ-
8 ing the cost of modifying such loans, shall be as defined
9 in section 502 of the Congressional Budget Act of 1974:
10 *Provided further*, That such funds shall remain available
11 until September 30, 2025, for the disbursement of direct
12 loans, loan guarantees, insurance and tied-aid grants obli-
13 gated in fiscal years 2010, 2011, 2012, and 2013: *Pro-*
14 *vided further*, That none of the funds appropriated by this
15 Act or any prior Acts appropriating funds for the Depart-
16 ment of State, foreign operations, and related programs
17 for tied-aid credits or grants may be used for any other
18 purpose except through the regular notification procedures
19 of the Committees on Appropriations: *Provided further*,
20 That funds appropriated by this paragraph are made
21 available notwithstanding section 2(b)(2) of the Export-
22 Import Bank Act of 1945, in connection with the purchase
23 or lease of any product by any Eastern European country,
24 any Baltic State or any agency or national thereof.

1 ADMINISTRATIVE EXPENSES

2 For administrative expenses to carry out the direct
3 and guaranteed loan and insurance programs, including
4 hire of passenger motor vehicles and services as authorized
5 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
6 reception and representation expenses for members of the
7 Board of Directors, not to exceed \$83,880,000: *Provided*,
8 That the Export-Import Bank may accept, and use, pay-
9 ment or services provided by transaction participants for
10 legal, financial, or technical services in connection with
11 any transaction for which an application for a loan, guar-
12 antee or insurance commitment has been made: *Provided*
13 *further*, That notwithstanding subsection (b) of section
14 117 of the Export Enhancement Act of 1992, subsection
15 (a) thereof shall remain in effect until October 1, 2010.

16 RECEIPTS COLLECTED

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

1 That amounts collected in fiscal year 2010 in excess of
2 obligations shall become available on September 1, 2010
3 and shall remain available until September 30, 2013.

4 OVERSEAS PRIVATE INVESTMENT CORPORATION
5 NONCREDIT ACCOUNT

6 The Overseas Private Investment Corporation is au-
7 thorized to make, without regard to fiscal year limitations,
8 as provided by 31 U.S.C. 9104, such expenditures and
9 commitments within the limits of funds available to it and
10 in accordance with law as may be necessary: *Provided*,
11 That the amount available for administrative expenses to
12 carry out the credit and insurance programs (including an
13 amount for official reception and representation expenses
14 which shall not exceed \$35,000) shall not exceed
15 \$52,310,000: *Provided further*, That project-specific trans-
16 action costs, including direct and indirect costs incurred
17 in claims settlements, and other direct costs associated
18 with services provided to specific investors or potential in-
19 vestors pursuant to section 234 of the Foreign Assistance
20 Act of 1961, shall not be considered administrative ex-
21 penses for the purposes of this heading.

22 PROGRAM ACCOUNT

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

1 the Overseas Private Investment Corporation Noncredit
2 Account: *Provided*, That such costs, including the cost of
3 modifying such loans, shall be as defined in section 502
4 of the Congressional Budget Act of 1974: *Provided fur-*
5 *ther*, That such sums shall be available for direct loan obli-
6 gations and loan guaranty commitments incurred or made
7 during fiscal years 2010, 2011, and 2012: *Provided fur-*
8 *ther*, That funds so obligated in fiscal year 2010 remain
9 available for disbursement through 2018; funds obligated
10 in fiscal year 2011 remain available for disbursement
11 through 2019; and funds obligated in fiscal year 2012 re-
12 main available for disbursement through 2020: *Provided*
13 *further*, That notwithstanding any other provision of law,
14 the Overseas Private Investment Corporation is authorized
15 to undertake any program authorized by title IV of the
16 Foreign Assistance Act of 1961 in Iraq: *Provided further*,
17 That funds made available pursuant to the authority of
18 the previous proviso shall be subject to the regular notifi-
19 cation procedures of the Committees on Appropriations.

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

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 2011: *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

1 fiscal year or any previous fiscal year that remain unobli-
2 gated and unexpended.

3 CONSULTING SERVICES

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

12 EMBASSY CONSTRUCTION

13 SEC. 7004. (a) Of funds provided under title I of this
14 Act, except as provided in subsection (b), a project to con-
15 struct a diplomatic facility of the United States may not
16 include office space or other accommodations for an em-
17 ployee of a Federal agency or department if the Secretary
18 of State determines that such department or agency has
19 not provided to the Department of State the full amount
20 of funding required by subsection (e) of section 604 of
21 the Secure Embassy Construction and Counterterrorism
22 Act of 1999 (as enacted into law by section 1000(a)(7)
23 of Public Law 106–113 and contained in appendix G of
24 that Act; 113 Stat. 1501A–453), as amended by section
25 629 of the Departments of Commerce, Justice, and State,

1 the Judiciary, and Related Agencies Appropriations Act,
2 2005.

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

7 (c) None of the funds appropriated by this Act may
8 be made available to pay for the acquisition of property
9 for diplomatic facilities in Afghanistan.

10 PERSONNEL ACTIONS

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

1 PROHIBITION ON PUBLICITY OR PROPAGANDA

2 SEC. 7006. No part of any appropriation contained
3 in this Act shall be used for publicity or propaganda pur-
4 poses within the United States not authorized before the
5 date of the enactment of this Act by the Congress: *Pro-*
6 *vided*, That not to exceed \$25,000 may be made available
7 to carry out the provisions of section 316 of Public Law
8 96-533.

9 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
10 COUNTRIES

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

19 MILITARY COUPS

20 SEC. 7008. None of the funds appropriated or other-
21 wise made available pursuant to titles III through VI of
22 this Act shall be obligated or expended to finance directly
23 any assistance to the government of any country whose
24 duly elected head of government is deposed by military
25 coup or decree: *Provided*, That assistance may be resumed

1 transfer pursuant to this section shall be treated as a re-
2 programming of funds under section 7015(a) and (b) of
3 this Act and shall not be available for obligation or ex-
4 penditure except in compliance with the procedures set
5 forth in that section.

6 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
7 Not to exceed 5 percent of any appropriation other than
8 for administrative expenses made available for fiscal year
9 2010, for programs under title VI of this Act may be
10 transferred between such appropriations for use for any
11 of the purposes, programs, and activities for which the
12 funds in such receiving account may be used, but no such
13 appropriation, except as otherwise specifically provided,
14 shall be increased by more than 25 percent by any such
15 transfer: *Provided*, That the exercise of such authority
16 shall be subject to the regular notification procedures of
17 the Committees on Appropriations.

18 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
19 CIES.—

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

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

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

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

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

6 REPORTING REQUIREMENT

7 SEC. 7010. The Secretary of State shall provide the
8 Committees on Appropriations, not later than April 1,
9 2010, and for each fiscal quarter, a report in writing on
10 the uses of funds made available under the headings “For-
11 eign Military Financing Program”, “International Mili-
12 tary Education and Training”, and “Peacekeeping Oper-
13 ations”: *Provided*, That such report shall include a de-
14 scription of the obligation and expenditure of funds, and
15 the specific country in receipt of, and the use or purpose
16 of the assistance provided by such funds.

17 AVAILABILITY OF FUNDS

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

1 the headings “Assistance for Europe, Eurasia and Central
2 Asia” and “Development Credit Authority”, shall remain
3 available for an additional 4 years from the date on which
4 the availability of such funds would otherwise have ex-
5 pired, if such funds are initially obligated before the expi-
6 ration of their respective periods of availability contained
7 in this Act: *Provided further*, That, notwithstanding any
8 other provision of this Act, any funds made available for
9 the purposes of chapter 1 of part I and chapter 4 of part
10 II of the Foreign Assistance Act of 1961 which are allo-
11 cated or obligated for cash disbursements in order to ad-
12 dress balance of payments or economic policy reform ob-
13 jectives, shall remain available until expended.

14 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

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

1 PROHIBITION ON TAXATION OF UNITED STATES

2 ASSISTANCE

3 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
4 of the funds appropriated under titles III through VI of
5 this Act may be made available to provide assistance for
6 a foreign country under a new bilateral agreement gov-
7 erning the terms and conditions under which such assist-
8 ance is to be provided unless such agreement includes a
9 provision stating that assistance provided by the United
10 States shall be exempt from taxation, or reimbursed, by
11 the foreign government, and the Secretary of State shall
12 expeditiously seek to negotiate amendments to existing bi-
13 lateral agreements, as necessary, to conform with this re-
14 quirement.

15 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
16 amount equivalent to 200 percent of the total taxes as-
17 sessed during fiscal year 2010 on funds appropriated by
18 this Act by a foreign government or entity against com-
19 modities financed under United States assistance pro-
20 grams for which funds are appropriated by this Act, either
21 directly or through grantees, contractors and subcontrac-
22 tors shall be withheld from obligation from funds appro-
23 priated for assistance for fiscal year 2011 and allocated
24 for the central government of such country and for the
25 West Bank and Gaza program to the extent that the Sec-

1 retary of State certifies and reports in writing to the Com-
2 mittees on Appropriations that such taxes have not been
3 reimbursed to the Government of the United States.

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

7 (d) REPROGRAMMING OF FUNDS.—Funds withheld
8 from obligation for each country or entity pursuant to sub-
9 section (b) shall be reprogrammed for assistance to coun-
10 tries which do not assess taxes on United States assistance
11 or which have an effective arrangement that is providing
12 substantial reimbursement of such taxes.

13 (e) DETERMINATIONS.—

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

17 (A) does not assess taxes on United States
18 assistance or which has an effective arrange-
19 ment that is providing substantial reimburse-
20 ment of such taxes; or

21 (B) the foreign policy interests of the
22 United States outweigh the purpose of this sec-
23 tion to ensure that United States assistance is
24 not subject to taxation.

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

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

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

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

15 (2) the term “bilateral agreement” refers to a
16 framework bilateral agreement between the Govern-
17 ment of the United States and the government of
18 the country receiving assistance that describes the
19 privileges and immunities applicable to United
20 States foreign assistance for such country generally,
21 or an individual agreement between the Government
22 of the United States and such government that de-
23 scribes, among other things, the treatment for tax
24 purposes that will be accorded the United States as-
25 sistance provided under that agreement.

RESERVATIONS OF FUNDS

1
2 SEC. 7014. (a) Funds appropriated under titles II
3 through VI of this Act which are specifically designated
4 may be reprogrammed for other programs within the same
5 account notwithstanding the designation if compliance
6 with the designation is made impossible by operation of
7 any provision of this or any other Act: *Provided*, That any
8 such reprogramming shall be subject to the regular notifi-
9 cation procedures of the Committees on Appropriations:
10 *Provided further*, That assistance that is reprogrammed
11 pursuant to this subsection shall be made available under
12 the same terms and conditions as originally provided.

13 (b) In addition to the authority contained in sub-
14 section (a), the original period of availability of funds ap-
15 propriated by this Act and administered by the United
16 States Agency for International Development (USAID)
17 that are specifically designated for particular programs or
18 activities by this or any other Act shall be extended for
19 an additional fiscal year if the USAID Administrator de-
20 termines and reports promptly to the Committees on Ap-
21 propriations that the termination of assistance to a coun-
22 try or a significant change in circumstances makes it un-
23 likely that such designated funds can be obligated during
24 the original period of availability: *Provided*, That such des-
25 ignated funds that continue to be available for an addi-

1 tional fiscal year shall be obligated only for the purpose
2 of such designation.

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

11 REPROGRAMMING NOTIFICATION REQUIREMENTS

12 SEC. 7015. (a) None of the funds made available in
13 title I of this Act, or in prior appropriations Acts to the
14 agencies and departments funded by this Act that remain
15 available for obligation or expenditure in fiscal year 2010,
16 or provided from any accounts in the Treasury of the
17 United States derived by the collection of fees or of cur-
18 rency reflows or other offsetting collections, or made avail-
19 able by transfer, to the agencies and departments funded
20 by this Act, shall be available for obligation or expenditure
21 through a reprogramming of funds that: (1) creates new
22 programs; (2) eliminates a program, project, or activity;
23 (3) increases funds or personnel by any means for any
24 project or activity for which funds have been denied or
25 restricted; (4) relocates an office or employees; (5) closes

1 or opens a mission or post; (6) reorganizes or renames
2 offices; (7) reorganizes programs or activities; or (8) con-
3 tracts out or privatizes any functions or activities pres-
4 ently performed by Federal employees; unless the Commit-
5 tees on Appropriations are notified 15 days in advance of
6 such reprogramming of funds.

7 (b) For the purposes of providing the executive
8 branch with the necessary administrative flexibility, none
9 of the funds provided under title I of this Act, or provided
10 under previous appropriations Acts to the agency or de-
11 partment funded under title I of this Act that remain
12 available for obligation or expenditure in fiscal year 2010,
13 or provided from any accounts in the Treasury of the
14 United States derived by the collection of fees available
15 to the agency or department funded by title I of this Act,
16 shall be available for obligation or expenditure for activi-
17 ties, programs, or projects through a reprogramming of
18 funds in excess of \$1,000,000 or 10 percent, whichever
19 is less, that: (1) augments existing programs, projects, or
20 activities; (2) reduces by 10 percent funding for any exist-
21 ing program, project, or activity, or numbers of personnel
22 by 10 percent as approved by Congress; or (3) results from
23 any general savings, including savings from a reduction
24 in personnel, which would result in a change in existing
25 programs, activities, or projects as approved by Congress;

1 unless the Committees on Appropriations are notified 15
2 days in advance of such reprogramming of funds.

3 (c) For the purposes of providing the executive
4 branch with the necessary administrative flexibility, none
5 of the funds made available under titles II through V in
6 this Act under the headings “Global Health and Child
7 Survival”, “Development Assistance”, “International Or-
8 ganizations and Programs”, “Trade and Development
9 Agency”, “International Narcotics Control and Law En-
10 forcement”, “Assistance for Europe, Eurasia and Central
11 Asia”, “Economic Support Fund”, “Democracy Fund”,
12 “Peacekeeping Operations”, “Capital Investment Fund”,
13 “Operating Expenses”, “Office of Inspector General”,
14 “Nonproliferation, Anti-terrorism, Demining and Related
15 Programs”, “Millennium Challenge Corporation”, “For-
16 eign Military Financing Program”, “International Mili-
17 tary Education and Training”, “Peace Corps”, and “Mi-
18 gration and Refugee Assistance”, shall be available for ob-
19 ligation for activities, programs, projects, type of materiel
20 assistance, countries, or other operations not justified or
21 in excess of the amount justified to the Committees on
22 Appropriations for obligation under any of these specific
23 headings unless the Committees on Appropriations are no-
24 tified 15 days in advance: *Provided*, That the President
25 shall not enter into any commitment of funds appropriated

1 for the purposes of section 23 of the Arms Export Control
2 Act for the provision of major defense equipment, other
3 than conventional ammunition, or other major defense
4 items defined to be aircraft, ships, missiles, or combat ve-
5 hicles, not previously justified to Congress or 20 percent
6 in excess of the quantities justified to Congress unless the
7 Committees on Appropriations are notified 15 days in ad-
8 vance of such commitment: *Provided further*, That require-
9 ments of this subsection or any similar provision of any
10 other Act shall not apply to any reprogramming for an
11 activity, program, or project for which funds are appro-
12 priated under titles II through IV of this Act of less than
13 10 percent of the amount previously justified to the Con-
14 gress for obligation for such activity, program, or project
15 for the current fiscal year.

16 (d) Notwithstanding any other provision of law, with
17 the exception of funds transferred to, and merged with,
18 funds appropriated under title I of this Act, funds trans-
19 ferred by the Department of Defense to the Department
20 of State and the United States Agency for International
21 Development for assistance for foreign countries and
22 international organizations, and funds made available for
23 programs authorized by section 1206 of the National De-
24 fense Authorization Act for Fiscal Year 2006 (Public Law

1 109–163), shall be subject to the regular notification pro-
2 cedures of the Committees on Appropriations.

3 (e) The requirements of this section or any similar
4 provision of this Act or any other Act, including any prior
5 Act requiring notification in accordance with the regular
6 notification procedures of the Committees on Appropria-
7 tions, may be waived if failure to do so would pose a sub-
8 stantial risk to human health or welfare: *Provided*, That
9 in case of any such waiver, notification to the Congress,
10 or the appropriate congressional committees, shall be pro-
11 vided as early as practicable, but in no event later than
12 3 days after taking the action to which such notification
13 requirement was applicable, in the context of the cir-
14 cumstances necessitating such waiver: *Provided further*,
15 That any notification provided pursuant to such a waiver
16 shall contain an explanation of the emergency cir-
17 cumstances.

18 (f) None of the funds appropriated under titles III
19 through VI of this Act shall be obligated or expended for
20 assistance for Serbia, Sudan, Zimbabwe, Pakistan, Sri
21 Lanka, Somalia, Cuba, Iran, Haiti, Libya, Ethiopia,
22 Nepal, Mexico, or Cambodia and countries listed in section
23 7045(f)(4) of this Act except as provided through the reg-
24 ular notification procedures of the Committees on Appro-
25 priations.

1 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

2 SEC. 7016. Prior to providing excess Department of
3 Defense articles in accordance with section 516(a) of the
4 Foreign Assistance Act of 1961, the Department of De-
5 fense shall notify the Committees on Appropriations to the
6 same extent and under the same conditions as other com-
7 mittees pursuant to subsection (f) of that section: *Pro-*
8 *vided*, That before issuing a letter of offer to sell excess
9 defense articles under the Arms Export Control Act, the
10 Department of Defense shall notify the Committees on
11 Appropriations in accordance with the regular notification
12 procedures of such Committees if such defense articles are
13 significant military equipment (as defined in section 47(9)
14 of the Arms Export Control Act) or are valued (in terms
15 of original acquisition cost) at \$7,000,000 or more, or if
16 notification is required elsewhere in this Act for the use
17 of appropriated funds for specific countries that would re-
18 ceive such excess defense articles: *Provided further*, That
19 such Committees shall also be informed of the original ac-
20 quisition cost of such defense articles.

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

23 SEC. 7017. Subject to the regular notification proce-
24 dures of the Committees on Appropriations, funds appro-
25 priated under titles III through VI of this Act or any pre-

1 viously enacted Act making appropriations for the Depart-
2 ment of State, foreign operations, and related programs,
3 which are returned or not made available for organizations
4 and programs because of the implementation of section
5 307(a) of the Foreign Assistance Act of 1961, shall re-
6 main available for obligation until September 30, 2011.

7 PROHIBITION ON FUNDING FOR ABORTIONS AND

8 INVOLUNTARY STERILIZATION

9 SEC. 7018. None of the funds made available to carry
10 out part I of the Foreign Assistance Act of 1961, as
11 amended, may be used to pay for the performance of abor-
12 tions as a method of family planning or to motivate or
13 coerce any person to practice abortions. None of the funds
14 made available to carry out part I of the Foreign Assist-
15 ance Act of 1961, as amended, may be used to pay for
16 the performance of involuntary sterilization as a method
17 of family planning or to coerce or provide any financial
18 incentive to any person to undergo sterilizations. None of
19 the funds made available to carry out part I of the Foreign
20 Assistance Act of 1961, as amended, may be used to pay
21 for any biomedical research which relates in whole or in
22 part, to methods of, or the performance of, abortions or
23 involuntary sterilization as a means of family planning.
24 None of the funds made available to carry out part I of
25 the Foreign Assistance Act of 1961, as amended, may be

1 obligated or expended for any country or organization if
2 the President certifies that the use of these funds by any
3 such country or organization would violate any of the
4 above provisions related to abortions and involuntary steri-
5 lizations.

6 ALLOCATIONS

7 SEC. 7019. (a) Funds provided in this Act for the
8 following accounts shall be made available for programs
9 and countries in the amounts contained in the respective
10 tables included in the report accompanying this Act:

11 “Civilian Stabilization Initiative”.

12 “Diplomatic and Consular Programs”.

13 “Educational and Cultural Exchange Pro-
14 grams”.

15 “International Fisheries Commissions”.

16 “International Broadcasting Operations”.

17 “Global Health and Child Survival”.

18 “Development Assistance”.

19 “Economic Support Fund”.

20 “Assistance for Europe, Eurasia and Central
21 Asia”.

22 “International Narcotics Control and Law En-
23 forcement”.

24 “Nonproliferation, Anti-terrorism, Demining
25 and Related Programs”.

1 “Foreign Military Financing Program”.

2 “Peacekeeping Operations”.

3 “International Organizations and Programs”.

4 (b) For the purposes of implementing this section and
5 only with respect to the tables included in the report ac-
6 companying this Act, the Secretary of State, the Adminis-
7 trator of the United States Agency for International De-
8 velopment and the Broadcasting Board of Governors, as
9 appropriate, may propose deviations to the amounts ref-
10 erenced in subsection (a), subject to the regular notifica-
11 tion procedures of the Committees on Appropriations and
12 section 634A of the Foreign Assistance Act of 1961.

13 (c) The requirements contained in subsection (a)
14 shall apply to the table under the headings “Bilateral Eco-
15 nomic Assistance” and “General Provisions” in such re-
16 port.

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

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 FOREIGN GOVERN-
7 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
8 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
9 TERRORISM

10 SEC. 7021. (a) None of the funds appropriated or
11 otherwise made available by titles III through VI of this
12 Act may be available to any foreign government which pro-
13 vides lethal military equipment to a country the govern-
14 ment of which the Secretary of State has determined is
15 a government that supports international terrorism for
16 purposes of section 6(j) of the Export Administration Act
17 of 1979: *Provided*, That the prohibition under this section
18 with respect to a foreign government shall terminate 12
19 months after that government ceases to provide such mili-
20 tary equipment: *Provided further*, That this section applies
21 with respect to lethal military equipment provided under
22 a contract entered into after October 1, 1997.

23 (b) Assistance restricted by subsection (a) or any
24 other similar provision of law, may be furnished if the

1 President determines that to do so is important to the na-
2 tional interests of the United States.

3 (c) Whenever the President makes a determination
4 pursuant to subsection (b), the President shall submit to
5 the Committees on Appropriations a report with respect
6 to the furnishing of such assistance, including a detailed
7 explanation of the assistance to be provided, the estimated
8 dollar amount of such assistance, and an explanation of
9 how the assistance furthers United States national inter-
10 ests.

11 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
12 COUNTRIES

13 SEC. 7022. (a) Funds appropriated for bilateral as-
14 sistance under any heading in titles III through VI of this
15 Act and funds appropriated under any such heading in
16 a provision of law enacted prior to the enactment of this
17 Act, shall not be made available to any government which
18 the President determines—

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

22 (2) otherwise supports international terrorism.

23 (b) The President may waive the application of sub-
24 section (a) to a country if the President determines that
25 national security or humanitarian reasons justify such

1 waiver: *Provided*, That the President shall publish each
2 such waiver in the Federal Register and, at least 15 days
3 before the waiver takes effect, shall notify the Committees
4 on Appropriations of the waiver (including the justifica-
5 tion for the waiver) in accordance with the regular notifi-
6 cation procedures of the Committees on Appropriations.

7 AUTHORIZATION REQUIREMENTS

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

17 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

18 SEC. 7024. For the purpose of titles II through VI
19 of this Act “program, project, and activity” shall be de-
20 fined at the appropriations Act account level and shall in-
21 clude all appropriations and authorizations Acts funding
22 directives, ceilings, and limitations with the exception that
23 for the following accounts: “Economic Support Fund” and
24 “Foreign Military Financing Program”, “program,
25 project, and activity” shall also be considered to include

1 country, regional, and central program level funding with-
2 in each such account; for the development assistance ac-
3 counts of the United States Agency for International De-
4 velopment “program, project, and activity” shall also be
5 considered to include central, country, regional, and pro-
6 gram level funding, either as: (1) justified to the Congress;
7 or (2) allocated by the executive branch in accordance with
8 a report, to be provided to the Committees on Appropria-
9 tions within 30 days of the enactment of this Act, as re-
10 quired by section 653(a) of the Foreign Assistance Act
11 of 1961.

12 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
13 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION
14 SEC. 7025. Unless expressly provided to the contrary,
15 provisions of this or any other Act, including provisions
16 contained in prior Acts authorizing or making appropria-
17 tions for the Department of State, foreign operations, and
18 related programs, shall not be construed to prohibit activi-
19 ties authorized by or conducted under the Peace Corps
20 Act, the Inter-American Foundation Act or the African
21 Development Foundation Act: *Provided*, That the agency
22 shall promptly report to the Committees on Appropria-
23 tions whenever it is conducting activities or is proposing
24 to conduct activities in a country for which assistance is
25 prohibited.

1 COMMERCE, TRADE AND SURPLUS COMMODITIES

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

22 (b) None of the funds appropriated by this or any
23 other Act to carry out chapter 1 of part I of the Foreign
24 Assistance Act of 1961 shall be available for any testing
25 or breeding feasibility study, variety improvement or intro-

1 duction, consultancy, publication, conference, or training
2 in connection with the growth or production in a foreign
3 country of an agricultural commodity for export which
4 would compete with a similar commodity grown or pro-
5 duced in the United States: *Provided*, That this subsection
6 shall not prohibit—

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

11 (2) research activities intended primarily to
12 benefit American producers.

13 (c) The Secretary of the Treasury shall instruct the
14 United States Executive Directors of the International
15 Bank for Reconstruction and Development, the Inter-
16 national Development Association, the International Fi-
17 nance Corporation, the Inter-American Development
18 Bank, the International Monetary Fund, the Asian Devel-
19 opment Bank, the Inter-American Investment Corpora-
20 tion, the North American Development Bank, the Euro-
21 pean Bank for Reconstruction and Development, the Afri-
22 can Development Bank, and the African Development
23 Fund to use the voice and vote of the United States to
24 oppose any assistance by these institutions, using funds
25 appropriated or made available pursuant to titles III

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

6 SEPARATE ACCOUNTS

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

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

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

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

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

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

1 (C) establish by agreement with that gov-
2 ernment the responsibilities of the United
3 States Agency for International Development
4 and that government to monitor and account
5 for deposits into and disbursements from the
6 separate account.

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

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

16 (i) project and sector assistance activi-
17 ties; or

18 (ii) debt and deficit financing; or

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

21 (3) PROGRAMMING ACCOUNTABILITY.—The
22 United States Agency for International Development
23 shall take all necessary steps to ensure that the
24 equivalent of the local currencies disbursed pursuant
25 to subsection (a)(2)(A) from the separate account

1 established pursuant to subsection (a)(1) are used
2 for the purposes agreed upon pursuant to subsection
3 (a)(2).

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

14 (5) REPORTING REQUIREMENT.—The Adminis-
15 trator of the United States Agency for International
16 Development shall report on an annual basis as part
17 of the justification documents submitted to the Com-
18 mittees on Appropriations on the use of local cur-
19 rencies for the administrative requirements of the
20 United States Government as authorized in sub-
21 section (a)(2)(B), and such report shall include the
22 amount of local currency (and United States dollar
23 equivalent) used and/or to be used for such purpose
24 in each applicable country.

25 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

1 (1) If assistance is made available to the gov-
2 ernment of a foreign country, under chapter 1 or 10
3 of part I or chapter 4 of part II of the Foreign As-
4 sistance Act of 1961, as cash transfer assistance or
5 as nonproject sector assistance, that country shall be
6 required to maintain such funds in a separate ac-
7 count and not commingle them with any other
8 funds.

9 (2) APPLICABILITY OF OTHER PROVISIONS OF
10 LAW.—Such funds may be obligated and expended
11 notwithstanding provisions of law which are incon-
12 sistent with the nature of this assistance including
13 provisions which are referenced in the Joint Explan-
14 atory Statement of the Committee of Conference ac-
15 companying House Joint Resolution 648 (House Re-
16 port No. 98–1159).

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

1 a description of the economic policy reforms that will
2 be promoted by such assistance).

3 (4) EXEMPTION.—Nonproject sector assistance
4 funds may be exempt from the requirements of sub-
5 section (b)(1) only through the notification proce-
6 dures of the Committees on Appropriations.

7 ELIGIBILITY FOR ASSISTANCE

8 SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERN-
9 MENTAL ORGANIZATIONS.—Restrictions contained in this
10 or any other Act with respect to assistance for a country
11 shall not be construed to restrict assistance in support of
12 programs of nongovernmental organizations from funds
13 appropriated by this Act to carry out the provisions of
14 chapters 1, 10, 11, and 12 of part I and chapter 4 of
15 part II of the Foreign Assistance Act of 1961, and from
16 funds appropriated under the heading “Assistance for Eu-
17 rope, Eurasia and Central Asia”: *Provided*, That before
18 using the authority of this subsection to furnish assistance
19 in support of programs of nongovernmental organizations,
20 the President shall notify the Committees on Appropria-
21 tions under the regular notification procedures of those
22 committees, including a description of the program to be
23 assisted, the assistance to be provided, and the reasons
24 for furnishing such assistance: *Provided further*, That
25 nothing in this subsection shall be construed to alter any

1 existing statutory prohibitions against abortion or involun-
2 tary sterilizations contained in this or any other Act.

3 (b) PUBLIC LAW 480.—During fiscal year 2010, re-
4 strictions contained in this or any other Act with respect
5 to assistance for a country shall not be construed to re-
6 strict assistance under the Agricultural Trade Develop-
7 ment and Assistance Act of 1954: *Provided*, That none
8 of the funds appropriated to carry out title I of such Act
9 and made available pursuant to this subsection may be
10 obligated or expended except as provided through the reg-
11 ular notification procedures of the Committees on Appro-
12 priations.

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

14 (1) with respect to section 620A of the Foreign
15 Assistance Act of 1961 or any comparable provision
16 of law prohibiting assistance to countries that sup-
17 port international terrorism; or

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

1 IMPACT ON JOBS IN THE UNITED STATES

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

5 (1) any financial incentive to a business enter-
6 prise currently located in the United States for the
7 purpose of inducing such an enterprise to relocate
8 outside the United States if such incentive or in-
9 ducement is likely to reduce the number of employ-
10 ees of such business enterprise in the United States
11 because United States production is being replaced
12 by such enterprise outside the United States; or

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

1 INTERNATIONAL FINANCIAL INSTITUTIONS

2 SEC. 7030. (a) None of the funds appropriated in
3 title V of this Act may be made as payment to any inter-
4 national financial institution while the United States Ex-
5 ecutive Director to such institution is compensated by the
6 institution at a rate which, together with whatever com-
7 pensation such Director receives from the United States,
8 is in excess of the rate provided for an individual occu-
9 pying a position at level IV of the Executive Schedule
10 under section 5315 of title 5, United States Code, or while
11 any alternate United States Director to such institution
12 is compensated by the institution at a rate in excess of
13 the rate provided for an individual occupying a position
14 at level V of the Executive Schedule under section 5316
15 of title 5, United States Code.

16 (b) The Secretary of the Treasury shall instruct the
17 United States Executive Director at each international fi-
18 nancial institution to oppose any loan, grant, strategy or
19 policy of such institution that would require user fees or
20 service charges on poor people for primary education or
21 primary healthcare, including prevention, care and treat-
22 ment for HIV/AIDS, malaria, tuberculosis, and infant,
23 child, and maternal health, in connection with the institu-
24 tions' financing programs.

1 (c) The Secretary of the Treasury shall instruct the
2 United States Executive Director at the International
3 Monetary Fund (the Fund) to use the voice and vote of
4 the United States to oppose any loan, project, agreement,
5 memorandum, instrument, or other program of the Fund
6 that imposes budget caps or restraints that do not allow
7 the maintenance of or an increase in government spending
8 on health care or education; and to promote government
9 spending on health care, education, food aid, or other crit-
10 ical safety net programs in all of the Fund's activities with
11 respect to Heavily Indebted Poor Countries.

12 (d) For purposes of this section "international finan-
13 cial institutions" are the International Bank for Recon-
14 struction and Development, the Inter-American Develop-
15 ment Bank, the Asian Development Bank, the Asian De-
16 velopment Fund, the African Development Bank, the Afri-
17 can Development Fund, the International Monetary Fund,
18 the North American Development Bank, and the Euro-
19 pean Bank for Reconstruction and Development.

20 DEBT-FOR-DEVELOPMENT

21 SEC. 7031. In order to enhance the continued partici-
22 pation of nongovernmental organizations in debt-for-devel-
23 opment and debt-for-nature exchanges, a nongovern-
24 mental organization which is a grantee or contractor of
25 the United States Agency for International Development

1 may place in interest bearing accounts local currencies
2 which accrue to that organization as a result of economic
3 assistance provided under title III of this Act and, subject
4 to the regular notification procedures of the Committees
5 on Appropriations, any interest earned on such investment
6 shall be used for the purpose for which the assistance was
7 provided to that organization.

8 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

11 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
12 CERTAIN LOANS.—Notwithstanding any other provi-
13 sion of law, the President may, in accordance with
14 this section, sell to any eligible purchaser any
15 concessional loan or portion thereof made before
16 January 1, 1995, pursuant to the Foreign Assist-
17 ance Act of 1961, to the government of any eligible
18 country as defined in section 702(6) of that Act or
19 on receipt of payment from an eligible purchaser, re-
20 duce or cancel such loan or portion thereof, only for
21 the purpose of facilitating—

22 (A) debt-for-equity swaps, debt-for-develop-
23 ment swaps, or debt-for-nature swaps; or

24 (B) a debt buyback by an eligible country
25 of its own qualified debt, only if the eligible

1 country uses an additional amount of the local
2 currency of the eligible country, equal to not
3 less than 40 percent of the price paid for such
4 debt by such eligible country, or the difference
5 between the price paid for such debt and the
6 face value of such debt, to support activities
7 that link conservation and sustainable use of
8 natural resources with local community develop-
9 ment, and child survival and other child devel-
10 opment, in a manner consistent with sections
11 707 through 710 of the Foreign Assistance Act
12 of 1961, if the sale, reduction, or cancellation
13 would not contravene any term or condition of
14 any prior agreement relating to such loan.

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

20 (3) ADMINISTRATION.—The Facility, as defined
21 in section 702(8) of the Foreign Assistance Act of
22 1961, shall notify the administrator of the agency
23 primarily responsible for administering part I of the
24 Foreign Assistance Act of 1961 of purchasers that
25 the President has determined to be eligible, and

1 shall direct such agency to carry out the sale, reduc-
2 tion, or cancellation of a loan pursuant to this sec-
3 tion: *Provided*, That such agency shall make adjust-
4 ment in its accounts to reflect the sale, reduction, or
5 cancellation.

6 (4) LIMITATION.—The authorities of this sub-
7 section shall be available only to the extent that ap-
8 propriations for the cost of the modification, as de-
9 fined in section 502 of the Congressional Budget Act
10 of 1974, are made in advance.

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

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

21 (d) DEBTOR CONSULTATIONS.—Before the sale to
22 any eligible purchaser, or any reduction or cancellation
23 pursuant to this section, of any loan made to an eligible
24 country, the President should consult with the country
25 concerning the amount of loans to be sold, reduced, or

1 canceled and their uses for debt-for-equity swaps, debt-
2 for-development swaps, or debt-for-nature swaps.

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

7 SPECIAL DEBT RELIEF FOR THE POOREST

8 SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The
9 President may reduce amounts owed to the United States
10 (or any agency of the United States) by an eligible country
11 as a result of—

12 (1) guarantees issued under sections 221 and
13 222 of the Foreign Assistance Act of 1961;

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

16 (3) any obligation or portion of such obligation,
17 to pay for purchases of United States agricultural
18 commodities guaranteed by the Commodity Credit
19 Corporation under export credit guarantee programs
20 authorized pursuant to section 5(f) of the Com-
21 modity Credit Corporation Charter Act of June 29,
22 1948, as amended, section 4(b) of the Food for
23 Peace Act of 1966, as amended (Public Law 89–
24 808), or section 202 of the Agricultural Trade Act
25 of 1978, as amended (Public Law 95–501).

1 (b) LIMITATIONS.—

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

6 (2) The authority provided by subsection (a)
7 may be exercised only in such amounts or to such
8 extent as is provided in advance by appropriations
9 Acts.

10 (3) The authority provided by subsection (a)
11 may be exercised only with respect to countries with
12 heavy debt burdens that are eligible to borrow from
13 the International Development Association, but not
14 from the International Bank for Reconstruction and
15 Development, commonly referred to as “IDA-only”
16 countries.

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

20 (1) does not have an excessive level of military
21 expenditures;

22 (2) has not repeatedly provided support for acts
23 of international terrorism;

24 (3) is not failing to cooperate on international
25 narcotics control matters;

1 made available notwithstanding section 7012 of this Act
2 or any similar provision of law and section 660 of the For-
3 eign Assistance Act of 1961, and funds appropriated in
4 titles III and VI of this Act that are made available for
5 Iraq, Lebanon, Montenegro, Pakistan, and for victims of
6 war, displaced children, and displaced Burmese, and to as-
7 sist victims of trafficking in persons and, subject to the
8 regular notification procedures of the Committees on Ap-
9 propriations, to combat such trafficking, may be made
10 available notwithstanding any other provision of law.

11 (b) WAIVER.—

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

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

24 (c) SMALL BUSINESS.—In entering into multiple
25 award indefinite-quantity contracts with funds appro-

1 priated by this Act, the United States Agency for Inter-
2 national Development may provide an exception to the fair
3 opportunity process for placing task orders under such
4 contracts when the order is placed with any category of
5 small or small disadvantaged business.

6 (d) **AUTHORITY REPEALED.**—Section 7034(d) of
7 Public Law 111–8 is hereby repealed.

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

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

19 (1) in section 599D (8 U.S.C. 1157 note)—

20 (A) in subsection (b)(3), by striking “and
21 2009” and inserting “2009, and 2010”; and

22 (B) in subsection (e), by striking “2009”
23 each place it appears and inserting “2010”; and

1 (2) in section 599E (8 U.S.C. 1255 note) in
2 subsection (b)(2), by striking “2009” and inserting
3 “2010”.

4 (g) WORLD FOOD PROGRAM.—Of the funds managed
5 by the Bureau for Democracy, Conflict, and Humanitarian
6 Assistance, United States Agency for International Devel-
7 opment, from this or any other Act, not less than
8 \$10,000,000 shall be made available as a general contribu-
9 tion to the World Food Program, notwithstanding any
10 other provision of law.

11 (h) DISARMAMENT, DEMOBILIZATION AND RE-
12 INTEGRATION.—Notwithstanding any other provision of
13 law, regulation or Executive order, funds appropriated by
14 this Act and prior Acts making appropriations for the De-
15 partment of State, foreign operations, and related pro-
16 grams under the headings “Economic Support Fund”,
17 “Peacekeeping Operations”, “International Disaster As-
18 sistance”, and “Transition Initiatives” should be made
19 available to support programs to disarm, demobilize, and
20 reintegrate into civilian society former members of foreign
21 terrorist organizations: *Provided*, That the Secretary of
22 State shall consult with the Committees on Appropriations
23 prior to the obligation of funds pursuant to this sub-
24 section: *Provided further*, That for the purposes of this
25 subsection the term “foreign terrorist organization”

1 means an organization designated as a terrorist organiza-
2 tion under section 219 of the Immigration and Nationality
3 Act.

4 (i) MIDDLE EAST FOUNDATION.—Funds appro-
5 priated by this Act and prior Acts for a Middle East Foun-
6 dation shall be subject to the regular notification proce-
7 dures of the Committees on Appropriations.

8 (j) CONTINGENCIES.—During fiscal year 2010, the
9 President may use up to \$75,000,000 under the authority
10 of section 451 of the Foreign Assistance Act of 1961, not-
11 withstanding any other provision of law.

12 (k) DEMOCRACY PROMOTION.—

13 (1) Funds made available by this Act that are
14 made available for the promotion of democracy may
15 be made available notwithstanding any other provi-
16 sion of law, and with regard to the National Endow-
17 ment for Democracy, any regulation.

18 (2) For the purposes of funds appropriated by
19 this Act, the term “promotion of democracy” means
20 programs that support good governance, human
21 rights, independent media, and the rule of law, and
22 otherwise strengthen the capacity of democratic po-
23 litical parties, governments, nongovernmental organi-
24 zations and institutions, and citizens to support the
25 development of democratic states, institutions, and

1 practices that are responsive and accountable to citi-
2 zens.

3 (3) Any contract, grant, or cooperative agree-
4 ment (or any amendment to any contract, grant or
5 cooperative agreement) in excess of \$1,000,000 of
6 funds under the heading “Democracy Fund”, and in
7 excess of \$2,500,000 under other headings in this
8 Act for the promotion of democracy, with the excep-
9 tion of programs and activities of the National En-
10 dowment for Democracy, shall be subject to the reg-
11 ular notification procedures of the Committees on
12 Appropriations.

13 (4) With respect to the provision of assistance
14 for democracy, human rights and governance activi-
15 ties in this Act, the organizations implementing such
16 assistance and the specific nature of that assistance
17 shall not be subject to the prior approval by the gov-
18 ernment of any foreign country.

19 (l) PERSONNEL.—The terms and conditions of sec-
20 tion 1113 of Public Law 111–32 shall apply to this Act.

21 (m) PARTNER VETTING.—No further action to final-
22 ize or implement a Partner Vetting System (PVS) shall
23 be taken by the Secretary of State or the Administrator
24 of the United States Agency for International Develop-
25 ment (USAID) until a new USAID Administrator has

1 been confirmed and has undertaken a comprehensive re-
2 view of the scope, methodology and effect of PVS, includ-
3 ing consultation with affected organizations, the Commit-
4 tees on Appropriations and Foreign Relations of the Sen-
5 ate and the Committees on Appropriations and Foreign
6 Affairs of the House of Representatives.

7 (n) SPENDING PLANS.—The Secretary of State shall
8 submit to the Committees on Appropriations not later
9 than 45 days after enactment of this Act, and prior to
10 the initial obligation of funds for assistance for Afghani-
11 stan, Pakistan, and Iraq, detailed spending plans for
12 funds appropriated for such purposes.

13 (o) CONGRESSIONAL BUDGET JUSTIFICATION DOCU-
14 MENTS.—None of the funds appropriated by this Act or
15 any prior Acts making appropriations for the Department
16 of State, foreign operations, and related programs may be
17 obligated or expended by the Secretary of State or the Ad-
18 ministrator of the United States Agency for International
19 Development (USAID) to compile, produce, or publish any
20 congressional budget justification documents for fiscal
21 year 2011 until the Secretary of State and the USAID
22 Administrator have consulted with the Committees of Ap-
23 propriations regarding the purpose, format, and content
24 of such documents.

25 (p) TECHNICAL CORRECTION.—

1 (1) IN GENERAL.—Section 67 of the Bretton
2 Woods Agreements Act, as added by section 1402 of
3 the Supplemental Appropriations Act, 2009, is
4 amended by striking “resolution numbered 54–4”
5 and inserting “resolution numbered 52–4”.

6 (2) EFFECTIVE DATE.—The amendment made
7 by subsection (a) shall take effect as if included in
8 the enactment of section 1402 of Public Law 111–
9 32.

10 (q) CONSOLIDATION OF REPORTS.—

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

24 (2) Reports are considered “substantially dupli-
25 cative” if they are required to address at least over

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

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

15 NEAR EAST

16 SEC. 7035. (a) BAHRAIN.—Of the funds appro-
17 priated by this Act under the heading “Foreign Military
18 Financing Program”, not less than \$19,000,000 shall be
19 made available for assistance for Bahrain.

20 (b) EGYPT.—

21 (1) Of the funds appropriated by this Act under
22 the heading “Foreign Military Financing Program”,
23 not less than \$1,040,000,000 shall be made available
24 for grants only for Egypt, including for border secu-
25 rity programs and activities in the Sinai: *Provided,*

1 That the funds appropriated under this heading esti-
2 mated to be outlayed for Egypt during fiscal year
3 2010 shall be transferred to an interest bearing ac-
4 count for Egypt in the Federal Reserve Bank of
5 New York within 30 days of enactment of this Act.

6 (2) Of the funds appropriated by this Act under
7 the heading “Economic Support Fund”, not less
8 than \$250,000,000 shall be made available for as-
9 sistance for Egypt, which sum shall be provided on
10 a grant basis, and of which sum cash transfer assist-
11 ance shall be provided with the understanding that
12 Egypt will undertake significant economic and demo-
13 cratic reforms which are additional to those which
14 were undertaken in previous fiscal years: *Provided,*
15 That not less than \$25,000,000 of such funds shall
16 be made available for democracy, human rights and
17 governance programs, and not less than
18 \$35,000,000 shall be made available for education
19 programs, of which not less than \$10,000,000 is for
20 scholarships for Egyptian students with high finan-
21 cial need.

22 (3) Of the funds appropriated by this Act and
23 prior Acts making appropriations for the Depart-
24 ment of State, foreign operations and related pro-
25 grams, up to \$200,000,000 may be made available

1 for an endowment to further the shared interests of
2 the United States and Egypt: *Provided*, That the
3 Secretary of State shall consult with the Committees
4 on Appropriations on the establishment of such an
5 endowment.

6 (c) IRAQ.—

7 (1) Of the funds appropriated by this Act under
8 the headings “Economic Support Fund” and “Inter-
9 national Narcotics Control and Law Enforcement”,
10 not less than \$427,000,000 shall be made available
11 for assistance for Iraq.

12 (2) The terms and conditions of section 1106(a)
13 and (b) of Public Law 111–32 shall apply to assist-
14 ance for Iraq in fiscal year 2010.

15 (3) Funds appropriated by this Act under the
16 heading “Foreign Military Financing Program” may
17 be made available for countries in the Middle East
18 region, in addition to amounts otherwise made avail-
19 able, to address urgent border security requirements
20 arising from instability in Iraq if the Secretary cer-
21 tifies to the Committees on Appropriations that it is
22 important to the national security of the United
23 States to do so, and subject to the regular notifica-
24 tion procedures of the Committees on Appropria-
25 tions.

1 (d) ISRAEL.—Of the funds appropriated by this Act
2 under the heading “Foreign Military Financing Pro-
3 gram”, not less than \$2,220,000,000 shall be available for
4 grants only for Israel and shall be disbursed within 30
5 days of the enactment of this Act: *Provided*, That to the
6 extent that the Government of Israel requests that funds
7 be used for such purposes, grants made available for Israel
8 by this paragraph shall, as agreed by the United States
9 and Israel, be available for advanced weapons systems, of
10 which not less than \$583,860,000 shall be available for
11 the procurement in Israel of defense articles and defense
12 services, including research and development.

13 (e) JORDAN.—

14 (1) Of the funds appropriated by this Act under
15 the heading “Economic Support Fund”, not less
16 than \$363,000,000 shall be made available for as-
17 sistance for Jordan.

18 (2) Of the funds appropriated by this Act under
19 the heading “Foreign Military Financing Program”,
20 not less than \$150,000,000 shall be made available
21 for assistance for Jordan.

22 (f) LEBANON.—

23 (1) Of the Funds appropriated by this Act
24 under the heading “Economic Support Fund”, not
25 less than \$109,000,000 shall be made available for

1 assistance for Lebanon, of which not less than
2 \$10,000,000 shall be made available for educational
3 scholarships for students in Lebanon with high fi-
4 nancial need.

5 (2) Of the funds appropriated by this Act under
6 the heading “Foreign Military Financing Program”,
7 not less than \$100,000,000 shall be made available
8 for assistance for Lebanon.

9 (g) MIDDLE EAST PEACE.—Funds appropriated by
10 this Act should be made available in a manner to further
11 peace in the Middle East between Israelis and Palestin-
12 ians.

13 (h) NEAR EAST REGIONAL DEMOCRACY.—Of the
14 funds appropriated by this Act that are made available
15 for Near East Regional Democracy, not less than
16 \$30,000,000 shall be made available to expand access to
17 information and communications through the Internet,
18 and shall be used for scalable, field tested programs that
19 provide unmonitored and uncensored access to the Inter-
20 net, including access to real time, inter-active modes of
21 communication, for large numbers of users living in closed
22 societies that have acutely hostile Internet environments.

23 (i) WEST BANK AND GAZA.—

24 (1) Of the funds appropriated by this Act under
25 the heading “Economic Support Fund”, not less

1 than \$400,400,000 may be made available for assist-
2 ance for the West Bank and Gaza, of which not to
3 exceed \$2,000,000 may be made available for admin-
4 istrative expenses of the United States Agency for
5 International Development, in addition to funds oth-
6 erwise made available for such purposes.

7 (2) Of the funds appropriated by this Act under
8 the heading “International Narcotics Control and
9 Law Enforcement”, not less than \$100,000,000
10 shall be made available for the West Bank.

11 (3) The terms and conditions of sections 7035,
12 7036, 7037, 7038, 7039, and 7040 of Public Law
13 111–8, and section 1107 of Public Law 111–32,
14 shall apply to assistance appropriated by this Act.

15 WESTERN HEMISPHERE

16 SEC. 7045. (a) TRADE CAPACITY.—Of the funds ap-
17 propriated by this Act, not less than \$300,149,000 should
18 be made available for trade capacity building, of which not
19 less than \$25,000,000 shall be made available for labor
20 and environmental capacity building activities relating to
21 free trade agreements with countries in Latin America
22 and the Caribbean.

23 (b) ASSISTANCE FOR HAITI.—

24 (1) The Government of Haiti shall be eligible to
25 purchase defense articles and services under the

1 Arms Export Control Act (22 U.S.C. 2751 et seq.),
2 for the Coast Guard.

3 (2) Of the funds appropriated by this Act under
4 titles III and IV, not less than \$282,393,000 shall
5 be made available for assistance for Haiti.

6 (3) None of the funds made available by this
7 Act under the heading “International Narcotics Con-
8 trol and Law Enforcement” may be used to transfer
9 excess weapons, ammunition or other lethal property
10 of an agency of the United States Government to
11 the Government of Haiti for use by the Haitian Na-
12 tional Police until the Secretary of State reports to
13 the Committees on Appropriations that any mem-
14 bers of the Haitian National Police who have been
15 credibly alleged to have committed serious crimes,
16 including drug trafficking and violations of inter-
17 nationally recognized human rights, have been sus-
18 pended.

19 (c) ASSISTANCE FOR GUATEMALA.—

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

1 \$2,000,000 shall be made available to support the
2 Police Criminal Investigation Division’s Human
3 Rights Unit and the Ministry of Interior’s Institute
4 For Attacks Against Human Rights Defenders.

5 (2) Funds appropriated by this Act under the
6 heading “International Military Education and
7 Training” (IMET) that are available for assistance
8 for Guatemala, other than for expanded IMET, may
9 be made available only for the Guatemalan Air
10 Force, Navy and Army Corps of Engineers: *Pro-*
11 *vided*, That assistance for the Army Corps of Engi-
12 neers shall only be available for training to improve
13 disaster response capabilities and to participate in
14 international peacekeeping operations: *Provided fur-*
15 *ther*, That such funds may be made available only if
16 the Secretary of State certifies that the Air Force,
17 Navy and Army Corps of Engineers are respecting
18 internationally recognized human rights and cooper-
19 ating with civilian judicial investigations and pros-
20 ecutions of current and retired military personnel
21 who have been credibly alleged to have committed
22 violations of such rights, and with the CICIG by
23 granting access to CICIG personnel, providing evi-
24 dence to CICIG, and allowing witness testimony.

1 (3) Of the funds appropriated by this Act under
2 the heading “Foreign Military Financing Program”,
3 not more than \$850,000 may be made available for
4 the Guatemalan Air Force, Navy and Army Corps of
5 Engineers: *Provided*, That assistance for the Army
6 Corps of Engineers shall only be available for train-
7 ing to improve disaster response capabilities and to
8 participate in international peacekeeping operations:
9 *Provided further*, That such funds may be made
10 available only if the Secretary of State certifies that
11 the Air Force, Navy and Army Corps of Engineers
12 are respecting internationally recognized human
13 rights and cooperating with civilian judicial inves-
14 tigations and prosecutions of current and retired
15 military personnel who have been credibly alleged to
16 have committed violations of such rights, including
17 preserving and providing to the Attorney General’s
18 office all military archives pertaining to the internal
19 armed conflict, and cooperating with the CICIG by
20 granting access to CICIG personnel, providing evi-
21 dence to CICIG, and allowing witness testimony.

22 (d) ASSISTANCE FOR MEXICO.—

23 (1) ASSISTANCE.—Of the funds appropriated by
24 this Act under the headings “International Narcotics
25 Control and Law Enforcement” and “Economic

1 Support Fund”, not more than \$115,000,000 may
2 be made available for assistance for Mexico, only to
3 combat drug trafficking and related violence and or-
4 ganized crime, and for judicial reform, institution
5 building, anti-corruption, and rule of law activities,
6 of which not less than \$35,000,000 shall be used for
7 judicial reform, institution building, anti-corruption,
8 and rule of law activities: *Provided*, That none of the
9 funds made available under this section shall be
10 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 to the same extent and in the same manner as such
20 provisions of law applied to funds appropriated or
21 otherwise made available by such other Act for as-
22 sistance for Mexico.

23 (3) Funds appropriated under the heading
24 “International Narcotics Control and Law Enforce-
25 ment” that are available for assistance for Mexico

1 may be made available for the procurement of law
2 enforcement communications equipment if such
3 equipment utilizes encryption technology, open
4 standards and is compatible with and capable of op-
5 erating with radio communications systems and re-
6 lated equipment utilized by Federal law enforcement
7 agencies in the United States to enhance border se-
8 curity and cooperation in law enforcement efforts be-
9 tween Mexico and the United States.

10 (e) ASSISTANCE FOR THE COUNTRIES OF CENTRAL
11 AMERICA.—

12 (1) ASSISTANCE.—Of the funds appropriated by
13 this Act under the headings “International Narcotics
14 Control and Law Enforcement” and “Foreign Mili-
15 tary Financing Program”, not to exceed
16 \$75,000,000 may be made available for assistance
17 for the countries of Central America only to combat
18 drug trafficking and related violence and organized
19 crime, and for judicial reform, institution building,
20 anti-corruption, rule of law activities, and maritime
21 security, of which not less than \$25,000,000 shall be
22 used for judicial reform, institution building, anti-
23 corruption, and rule of law activities: *Provided*, That
24 of the funds appropriated under the heading “Eco-
25 nomic Support Fund”, \$15,000,000 shall be made

1 available through the United States Agency for
2 International Development for continued support of
3 an Economic and Social Development Fund for Cen-
4 tral America: *Provided further*, That none of the
5 funds made available under this section shall be
6 made available for budget support or as cash pay-
7 ments.

8 (2) APPLICABILITY OF FISCAL YEAR 2009 PRO-
9 VISIONS.—The provisions of paragraphs (1) through
10 (4) of section 7045(f) of the Department of State,
11 Foreign Operations, and Related Programs Appro-
12 priations Act, 2009 (division H of Public Law 111–
13 8) shall apply to funds appropriated or otherwise
14 made available by this Act for assistance for the
15 countries of Central America to the same extent and
16 in the same manner as such provisions of law ap-
17 plied to funds appropriated or otherwise made avail-
18 able by such other Act for assistance for the coun-
19 tries of Central America.

20 (3) DEFINITION.—For the purposes of this sec-
21 tion, “countries of Central America” means Belize,
22 Costa Rica, El Salvador, Guatemala, Honduras,
23 Nicaragua, and Panama.

24 (f) AIRCRAFT OPERATIONS AND MAINTENANCE.—To
25 the maximum extent practicable, the costs of operations

1 and maintenance, including fuel, of aircraft funded by this
2 Act should be borne by the recipient country.

3 (g) PILOT PROJECT.—Of the funds appropriated by
4 this Act under the heading “Diplomatic and Consular Pro-
5 grams”, up to \$100,000 shall be made available for a pilot
6 project to be conducted by the Department of State, in
7 consultation with the Department of Homeland Security,
8 to study the use of passport cards as proof of identify and
9 citizenship for the purposes of international travel by na-
10 tionals of the United States at selected air ports of entry
11 between the United States and Canada: *Provided*, That
12 such pilot project shall begin no earlier than January 1,
13 2010, and only following consultation with the Committees
14 on Appropriations, and shall end no earlier than December
15 31, 2010: *Provided further*, That not later than June 30,
16 2011, the Secretary of State, in consultation with the Sec-
17 retary of Homeland Security, shall submit a report to the
18 Committees on Appropriations on the result of such pilot
19 project, including any security, infrastructure, cost, diplo-
20 matic, or other issues that may have arisen during the
21 conduct of the project, and the feasibility of extending the
22 project to other air ports of entry between the United
23 States and Canada, and between the United States and
24 Mexico.

COLOMBIA

1

2 SEC. 7046. (a) ASSISTANCE.—Of the funds appro-
3 priated under the headings “Economic Support Fund”,
4 “International Narcotics Control and Law Enforcement”,
5 “International Military Education and Training”, and
6 “Foreign Military Financing Program” in this Act, not
7 more than \$503,000,000 shall be made available for as-
8 sistance for Colombia.

9 Funds appropriated by this Act and made available
10 to the Department of State for assistance to the Govern-
11 ment of Colombia may be used to support a unified cam-
12 paign against narcotics trafficking and organizations des-
13 igned as Foreign Terrorist Organizations and successor
14 organizations, and to take actions to protect human health
15 and welfare in emergency circumstances, including under-
16 taking rescue operations: *Provided*, That assistance made
17 available in prior Acts for the Government of Colombia
18 to protect the Cano-Limon pipeline may also be used for
19 purposes for which funds are made available under the
20 heading “International Narcotics Control and Law En-
21 forcement” in this Act: *Provided further*, That no United
22 States Armed Forces personnel or United States civilian
23 contractor employed by the United States will participate
24 in any combat operation in connection with assistance
25 made available by this Act for Colombia: *Provided further*,

1 That rotary and fixed wing aircraft supported with funds
2 appropriated under the heading “International Narcotics
3 Control and Law Enforcement” for assistance for Colom-
4 bia may be used for aerial or manual drug eradication and
5 interdiction including to transport personnel and supplies
6 and to provide security for such operations, and to provide
7 transport in support of alternative development programs
8 and investigations of cases under the jurisdiction of the
9 Attorney General, the Procuraduria General de la Nacion,
10 and the Defensoria del Pueblo: *Provided further*, That the
11 President shall ensure that if any helicopter procured with
12 funds in this Act or prior Acts making appropriations for
13 the Department of State, foreign operations, and related
14 programs, is used to aid or abet the operations of any ille-
15 gal self-defense group, paramilitary organization, illegal
16 security cooperative or successor organizations in Colom-
17 bia, such helicopter shall be immediately returned to the
18 United States: *Provided further*, That none of the funds
19 appropriated by this Act or prior Acts making appropria-
20 tions for the Department of State, foreign operations, and
21 related programs may be made available for assistance for
22 the Departamento Administrativo de Seguridad (DAS) of
23 Colombia if the Secretary of State has credible evidence
24 that the DAS is engaging in illegal phone tapping, email
25 interception, threats, or other illegal surveillance or ac-

1 tions directed at members of civil society organizations,
2 opposition political parties, judges, journalists, or other
3 persons or organizations.

4 Of the funds available under the heading “Inter-
5 national Narcotics Control and Law Enforcement” for the
6 procurement of chemicals for aerial coca and poppy eradi-
7 cation programs, not more than 20 percent of such funds
8 may be made available for such eradication programs un-
9 less the Secretary of State certifies to the Committees on
10 Appropriations that: (1) the herbicide is being used in ac-
11 cordance with Environmental Protection Agency label re-
12 quirements for comparable use in the United States and
13 with Colombian laws; and (2) the herbicide, in the manner
14 it is being used, does not pose unreasonable risks or ad-
15 verse effects to humans or the environment, including en-
16 demic species: *Provided*, That such funds may not be made
17 available unless the Secretary of State certifies to the
18 Committees on Appropriations that any complaints of
19 harm to health or licit crops caused by such aerial eradi-
20 cation are thoroughly investigated and fair compensation
21 is being paid in a timely manner for meritorious claims:
22 *Provided further*, That such funds may not be made avail-
23 able for such purposes unless programs are made available
24 by the United States Agency for International Develop-
25 ment, the Government of Colombia, or other organiza-

1 tions, in consultation and coordination with local commu-
2 nities, to provide alternative sources of income in areas
3 where security permits for small-acreage growers and com-
4 munities whose illicit crops are targeted for aerial eradi-
5 cation: *Provided further*, That none of the funds appro-
6 priated by this Act for assistance for Colombia shall be
7 made available for the cultivation or processing of African
8 oil palm, if doing so would contribute to significant loss
9 of native species, disrupt or contaminate natural water
10 sources, reduce local food security, or cause the forced dis-
11 placement of local people: *Provided further*, That funds ap-
12 propriated by this Act may not be used for aerial eradi-
13 cation in Colombia's national parks or reserves unless the
14 Secretary of State certifies to the Committees on Appro-
15 priations on a case-by-case basis that there are no effective
16 alternatives and the eradication is conducted in accord-
17 ance with Colombian laws.

18 (b) APPLICABILITY OF FISCAL YEAR 2009 PROVI-
19 SIONS.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the provisions of subsections (b) through
22 (f) of section 7046 of the Department of State, For-
23 eign Operations, and Related Programs Appropria-
24 tions Act, 2009 (division H of Public Law 111–8)
25 shall apply to funds appropriated or otherwise made

1 available by this Act for assistance for Colombia to
2 the same extent and in the same manner as such
3 provisions of law applied to funds appropriated or
4 otherwise made available by such other Act for as-
5 sistance for Colombia.

6 (2) EXCEPTIONS.—The following provisions of
7 section 7046 of the Department of State, Foreign
8 Operations, and Related Programs Appropriations
9 Act of 2009 are amended as follows and shall apply
10 to funds appropriated or otherwise made available by
11 this Act for assistance for Colombia as follows:

12 (A) Subsection (b)(1)(B) is amended by
13 striking clause (iv) and inserting the following:

14 “(iv) That the Government of Colom-
15 bia is respecting the rights of human
16 rights defenders, journalists, trade union-
17 ists, political opposition and religious lead-
18 ers, and indigenous and Afro-Colombian
19 communities, and the Colombian Armed
20 Forces are implementing strict procedures
21 to distinguish between civilians, including
22 displaced persons, and combatants in their
23 operations.”.

1 (B) Subsection (b)(2) is amended by strik-
2 ing “July 31, 2009” and inserting “July 31,
3 2010”.

4 (C) Subsection (b)(3) is amended by strik-
5 ing “Andean Counterdrug Programs” and in-
6 serting “Intentional Narcotics Control and Law
7 Enforcement”.

8 (D) Subsection (c) is amended by striking
9 “September 30, 2009” and inserting “Sep-
10 tember 30, 2010”.

11 (E) Subsection (d)(1) is amended—

12 (i) by striking “\$16,760,000” and in-
13 serting “\$18,606,000”, and

14 (ii) by striking “fiscal year 2009” and
15 inserting “fiscal year 2010”.

16 COMMUNITY-BASED POLICE ASSISTANCE

17 SEC. 7047. (a) AUTHORITY.—Funds made available
18 by titles III and IV of this Act to carry out the provisions
19 of chapter 1 of part I and chapters 4 and 6 of part II
20 of the Foreign Assistance Act of 1961, may be used, not-
21 withstanding section 660 of that Act, to enhance the effec-
22 tiveness and accountability of civilian police authority
23 through training and technical assistance in human rights,
24 the rule of law, anti-corruption, strategic planning, and
25 through assistance to foster civilian police roles that sup-

1 port democratic governance including assistance for pro-
2 grams to prevent conflict, respond to disasters, address
3 gender-based violence, and foster improved police relations
4 with the communities they serve.

5 (b) NOTIFICATION.—Assistance provided under sub-
6 section (a) shall be subject to prior consultation with, and
7 the regular notification procedures of, the Committees on
8 Appropriations.

9 PROHIBITION OF PAYMENTS TO UNITED NATIONS

10 MEMBERS

11 SEC. 7048. None of the funds appropriated or made
12 available pursuant to titles III through VI of this Act for
13 carrying out the Foreign Assistance Act of 1961, may be
14 used to pay in whole or in part any assessments, arrear-
15 ages, or dues of any member of the United Nations or,
16 from funds appropriated by this Act to carry out chapter
17 1 of part I of the Foreign Assistance Act of 1961, the
18 costs for participation of another country's delegation at
19 international conferences held under the auspices of multi-
20 lateral or international organizations.

21 WAR CRIMES TRIBUNALS DRAWDOWN

22 SEC. 7049. If the President determines that doing so
23 will contribute to a just resolution of charges regarding
24 genocide or other violations of international humanitarian
25 law, the President may direct a drawdown pursuant to sec-

1 tion 552(c) of the Foreign Assistance Act of 1961 of up
2 to \$30,000,000 of commodities and services for the United
3 Nations War Crimes Tribunal established with regard to
4 the former Yugoslavia by the United Nations Security
5 Council or such other tribunals or commissions as the
6 Council may establish or authorize to deal with such viola-
7 tions, without regard to the ceiling limitation contained
8 in paragraph (2) thereof: *Provided*, That the determina-
9 tion required under this section shall be in lieu of any de-
10 terminations otherwise required under section 552(c): *Pro-*
11 *vided further*, That funds made available pursuant to this
12 section shall be made available subject to the regular noti-
13 fication procedures of the Committees on Appropriations.

14 PEACEKEEPING MISSIONS

15 SEC. 7050. None of the funds made available under
16 title I of this Act may be used for any United Nations
17 activity when it is made known to the Federal official hav-
18 ing authority to obligate or expend such funds that: (1)
19 the United Nations activity is a peacekeeping mission; (2)
20 such activity will involve United States Armed Forces
21 under the command or operational control of a foreign na-
22 tional; and (3) the President's military advisors have not
23 submitted to the President a recommendation that such
24 involvement is in the national interests of the United

1 States and the President has not submitted to the Con-
2 gress such a recommendation.

3 PEACEKEEPING ASSESSMENT

4 SEC. 7051. Section 404(b)(2)(B) of the Foreign Re-
5 lations Authorization Act, Fiscal Years 1994 and 1995
6 (22 U.S.C. 287e note) is amended by adding the following:

7 “(v) For assessments made during calendar years
8 2010 and 2011, 27.1 percent.”.

9 AIRCRAFT MANAGEMENT AND OVERSIGHT

10 SEC. 7052. (a) MANAGEMENT AND OVERSIGHT.—

11 Notwithstanding any other provision of law or regulation,
12 the management and oversight of aircraft procured or
13 leased by the Department of State shall be the responsi-
14 bility of the Under Secretary of State for Management,
15 in consultation with the Assistant Secretary for Inter-
16 national Narcotics and Law Enforcement Affairs.

17 (b) TRANSFER AUTHORITY.—

18 (1) Notwithstanding any other provision of law
19 or regulation, aircraft procured by funds appro-
20 priated by this Act and prior Acts making appro-
21 priations for the Department of State, foreign oper-
22 ations and related programs under the headings
23 “Diplomatic and Consular Programs”, “Inter-
24 national Narcotics Control and Law Enforcement”,
25 and “Foreign Military Financing Program” may be

1 used for any other program and in any region, in-
2 cluding for use under the Civilian Stabilization Ini-
3 tiative, regardless of the original purposes for which
4 the aircraft was initially purchased or leased.

5 (2) The transfer authority contained in sub-
6 section (b)(1) shall be subject to the regular notifica-
7 tion procedures of the Committees on Appropria-
8 tions.

9 (c) CHIEF OF MISSION AUTHORITY.—The uses of
10 aircraft purchased or leased by the Department of State
11 and the United States Agency for International Develop-
12 ment (USAID) with funds provided in this Act or prior
13 acts making appropriations for the Department of State,
14 foreign operations and related programs shall be coordi-
15 nated under the authority of the appropriate Chief of Mis-
16 sion.

17 (d) REPORTING REQUIREMENT.—Not later than Sep-
18 tember 30, 2010, the Secretary of State, in consultation
19 with the USAID Administrator, shall submit a report to
20 the Committees on Appropriations detailing the total in-
21 ventory of aircraft procured, leased, or contracted by the
22 Department of State and USAID, the contractors oper-
23 ating such aircraft, and the annual cost of such contracts.

1 ATTENDANCE AT INTERNATIONAL CONFERENCES

2 SEC. 7053. None of the funds made available in this
3 Act may be used to send or otherwise pay for the attend-
4 ance of more than 50 employees of agencies or depart-
5 ments of the United States Government who are stationed
6 in the United States, at any single international con-
7 ference occurring outside the United States, unless the
8 Secretary of State reports to the Committees on Appro-
9 priations that such attendance is in the national interest:
10 *Provided*, That for purposes of this section the term
11 “international conference” shall mean a conference at-
12 tended by representatives of the United States Govern-
13 ment and of foreign governments, international organiza-
14 tions, or nongovernmental organizations.

15 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

16 SEC. 7054. None of the funds made available under
17 title I of this Act may be used to pay expenses for any
18 United States delegation to any specialized agency, body,
19 or commission of the United Nations if such commission
20 is chaired or presided over by a country, the government
21 of which the Secretary of State has determined, for pur-
22 poses of section 6(j)(1) of the Export Administration Act
23 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
24 national terrorism.

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

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

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

20 (f) In this section:

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

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

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

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

6 (2) The term “parking fines and penalties”
7 means parking fines and penalties—

8 (A) owed to—

9 (i) the District of Columbia; or

10 (ii) New York, New York; and

11 (B) incurred during the period April 1,
12 1997, through September 30, 2009.

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

20 LANDMINES AND CLUSTER MUNITIONS

21 SEC. 7056. (a) LANDMINES.—Notwithstanding any
22 other provision of law, demining equipment available to
23 the United States Agency for International Development
24 and the Department of State and used in support of the
25 clearance of landmines and unexploded ordnance for hu-

1 humanitarian purposes may be disposed of on a grant basis
2 in foreign countries, subject to such terms and conditions
3 as the President may prescribe.

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

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

13 (2) the agreement applicable to the assistance,
14 transfer, or sale of such cluster munitions or cluster
15 munitions technology specifies that the cluster muni-
16 tions will only be used against clearly defined mili-
17 tary targets and will not be used where civilians are
18 known to be present or in areas normally inhabited
19 by civilians.

20 MILLENNIUM CHALLENGE CORPORATION

21 SEC. 7057. (a) The Chief Executive Officer of the
22 Millennium Challenge Corporation shall, not later than 45
23 days after enactment of this Act, submit to the Committee
24 on Appropriations a report on the proposed uses, on a
25 country-by-country basis, of all funds appropriated under

1 the heading “Millennium Challenge Corporation” in this
2 Act or prior Acts making appropriations for the Depart-
3 ment of State, foreign operations, and related programs
4 projected to be obligated and expended in fiscal year 2010
5 and subsequent fiscal years.

6 (b) The report required in paragraph (a) shall be up-
7 dated on a semi-annual basis and shall include, at a min-
8 imum, a description of—

9 (1) compacts in development, including the sta-
10 tus of negotiations and the approximate range of
11 value of the proposed compact;

12 (2) compacts in implementation, including the
13 projected expenditure and disbursement of compact
14 funds during fiscal year 2010 and subsequent fiscal
15 years as determined by the country compact;

16 (3) threshold country programs in development,
17 including the approximate range of value of the
18 threshold country agreement;

19 (4) major programmatic changes to existing
20 compacts funded by this Act or prior Acts making
21 appropriations for the Department of State, foreign
22 operations, and related programs;

23 (5) threshold country programs in implementa-
24 tion; and

25 (6) use of administrative funds.

1 (c) The Chief Executive Officer of the Millennium
2 Challenge Corporation shall notify the Committees on Ap-
3 propriations not later than 15 days prior to signing any
4 new country compact or new threshold country program;
5 terminating or suspending any country compact or thresh-
6 old country program; or commencing negotiations for any
7 new compact or threshold country program.

8 (d) None of the funds appropriated by this Act and
9 prior Acts making appropriations for the Department of
10 State, foreign operations, and related programs under the
11 heading “Millennium Challenge Corporation” may be used
12 for military assistance or military training, including for
13 assistance for military or paramilitary purposes and for
14 assistance to military forces.

15 (e) The terms and conditions of section 1105(c) of
16 Public Law 111–32 shall apply to funds appropriated by
17 this Act under the heading “Millennium Challenge Cor-
18 poration”.

19 LIMITATION ON RESIDENCE EXPENSES

20 SEC. 7058. Of the funds appropriated or made avail-
21 able pursuant to title II of this Act, not to exceed
22 \$100,500 shall be for official residence expenses of the
23 United States Agency for International Development dur-
24 ing the current fiscal year: *Provided*, That appropriate
25 steps shall be taken to assure that, to the maximum extent

1 possible, United States-owned foreign currencies are uti-
2 lized in lieu of dollars.

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

6 SEC. 7059. (a) AUTHORITY.—Up to \$81,000,000 of
7 the funds made available in title III of this Act to carry
8 out the provisions of part I of the Foreign Assistance Act
9 of 1961, including funds appropriated under the heading
10 “Assistance for Europe, Eurasia and Central Asia”, may
11 be used by the United States Agency for International De-
12 velopment (USAID) to hire and employ individuals in the
13 United States and overseas on a limited appointment basis
14 pursuant to the authority of sections 308 and 309 of the
15 Foreign Service Act of 1980.

16 (b) RESTRICTIONS.—

17 (1) The number of individuals hired in any fis-
18 cal year pursuant to the authority contained in sub-
19 section (a) may not exceed 75.

20 (2) The authority to hire individuals contained
21 in subsection (a) shall expire on September 30,
22 2011.

23 (c) CONDITIONS.—The authority of subsection (a)
24 may only be used to the extent that an equivalent number
25 of positions that are filled by personal services contractors

1 or other non-direct hire employees of USAID, who are
2 compensated with funds appropriated to carry out part I
3 of the Foreign Assistance Act of 1961, including funds
4 appropriated under the heading “Assistance for Europe,
5 Eurasia and Central Asia”, are eliminated.

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

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

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

23 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
24 viduals hired and employed by USAID, with funds made
25 available in this Act or prior Acts making appropriations

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

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

18 (i) DISASTER SURGE CAPACITY.—Funds appro-
19 priated under title III of this Act to carry out part I of
20 the Foreign Assistance Act of 1961, including funds ap-
21 propriated under the heading “Assistance for Europe,
22 Eurasia and Central Asia”, may be used, in addition to
23 funds otherwise available for such purposes, for the cost
24 (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 by this Act in title III 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, as the case may be, USAID for the pur-
12 pose of carrying out activities under that heading: *Pro-*
13 *vided*, That up to \$3,500,000 of the funds made available
14 by this Act for assistance under the heading “Develop-
15 ment Assistance” may be used to reimburse such agencies,
16 institutions, and organizations for such costs of such indi-
17 viduals carrying out other development assistance activi-
18 ties.

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

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

13 (l) RECRUITMENT STRATEGY.—Funds made avail-
14 able under the heading “Operating Expenses” in title II
15 of this Act may be made available to implement the strat-
16 egy described in section 7059(1) of Public Law 111–8,
17 subject to the regular notification procedures of the Com-
18 mittees on Appropriations.

19 (m) LOCALLY EMPLOYED STAFF.—Of the funds ap-
20 propriated under title II of this Act, up to \$1,000,000,
21 in addition to funds otherwise made available for such pur-
22 poses, may be made available for special compensation for
23 overseas, locally employed staff: *Provided*, That not later
24 than 90 days after enactment of this Act the USAID Ad-
25 ministrator shall consult with the Committees on Appro-

1 priations on proposed guidelines for special compensation
2 of overseas, locally employed staff, including for loss of
3 life while on duty.

4 GLOBAL HEALTH ACTIVITIES

5 SEC. 7060. Funds appropriated by titles III and IV
6 of this Act that are made available for bilateral assistance
7 for child survival activities or disease programs including
8 activities relating to research on, and the prevention,
9 treatment and control of, HIV/AIDS may be made avail-
10 able notwithstanding any other provision of law except for
11 the provisions under the heading “Global Health and
12 Child Survival” and the United States Leadership Against
13 HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117
14 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*,
15 That of the funds appropriated under title III of this Act,
16 not less than \$628,457,000 should be made available for
17 family planning/reproductive health, including in areas
18 where population growth threatens biodiversity or endan-
19 gered species or exacerbates human vulnerability to the
20 effects of climate change.

21 DEVELOPMENT GRANTS PROGRAM

22 SEC. 7061. Of the funds appropriated by this Act
23 under the heading “Development Assistance”, not less
24 than \$50,000,000 shall be made available for the Develop-
25 ment Grants Program established pursuant to section 674

1 of the Department of State, Foreign Operations, and Re-
2 lated Programs Appropriations Act, 2008 (division J of
3 Public Law 110–161), to support grants of not more than
4 \$2,000,000 to small nongovernmental organizations: *Pro-*
5 *vided*, That funds made available under this section are
6 in addition to other funds available for such purposes in-
7 cluding funds designated by this Act by section 7065.

8 WOMEN IN DEVELOPMENT

9 SEC. 7062. (a) Programs funded under title III of
10 this Act should include, where appropriate, gender consid-
11 erations in the planning, assessment, implementation,
12 monitoring and evaluation of such programs.

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

21 VIOLENCE AGAINST WOMEN AND GIRLS

22 SEC. 7063. Funds appropriated under the headings
23 “Development Assistance” and “Economic Support
24 Fund” in this Act shall be made available for programs
25 to address sexual and other violence against women and

1 girls, and programs and activities funded under titles III
2 and IV of this Act that provide training for foreign police,
3 judicial, and military officials shall address, where appro-
4 priate, such violence.

5 EDUCATION

6 SEC. 7064. (a) BASIC EDUCATION.—Of the funds ap-
7 propriated by title III of this Act, not less than
8 \$800,000,000 should be made available for assistance for
9 basic education.

10 (b) HIGHER EDUCATION.—Of the funds appropriated
11 by title III of this Act, not less than \$200,000,000 shall
12 be made available for assistance for higher education, of
13 which not less than \$25,000,000 shall be made available
14 for such assistance for Africa including not less than
15 \$15,000,000 to support partnerships between African and
16 United States institutions of higher education.

17 RECONCILIATION PROGRAMS

18 SEC. 7065. Of the funds appropriated under the
19 headings “Development Assistance” and “Economic Sup-
20 port Fund” in this Act, \$25,000,000 shall be made avail-
21 able for reconciliation programs which bring together and
22 facilitate direct communication between individuals of dif-
23 ferent ethnic, religious and political backgrounds from
24 areas of civil strife and war, of which \$9,000,000 shall
25 be made available for such programs in the Middle East:

1 *Provided*, That the Administrator of the United States
2 Agency for International Development shall consult with
3 the Committees on Appropriations, prior to the initial obli-
4 gation of funds, on the most effective uses of such funds.

5 COMPREHENSIVE EXPENDITURES REPORT

6 SEC. 7066. Not later than 180 days after the date
7 of enactment of this Act, the Secretary of State shall sub-
8 mit a report to the Committees on Appropriations detail-
9 ing the total amount of United States Government ex-
10 penditures in fiscal years 2008 and 2009, by Federal
11 agency, for assistance programs and activities in each for-
12 eign country, identifying the line item as presented in the
13 President's Budget Appendix and the purpose for which
14 the funds were provided: *Provided*, That if required, infor-
15 mation may be submitted in classified form.

16 REQUESTS FOR DOCUMENTS

17 SEC. 7067. None of the funds appropriated or made
18 available pursuant to titles III through VI of this Act shall
19 be available to a nongovernmental organization, including
20 any contractor, which fails to provide upon timely request
21 any document, file, or record necessary to the auditing re-
22 quirements of the United States Agency for International
23 Development.

1 SENIOR POLICY OPERATING GROUP

2 SEC. 7068. (a) The Senior Policy Operating Group
3 on Trafficking in Persons, established under section
4 105(f) of the Victims of Trafficking and Violence Protec-
5 tion Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency
6 activities regarding policies (including grants and grant
7 policies) involving the international trafficking in persons,
8 shall coordinate all such policies related to the activities
9 of traffickers and victims of severe forms of trafficking.

10 (b) None of the funds provided under title I of this
11 or any other Act making appropriations for the Depart-
12 ment of State, foreign operations, and related programs
13 shall be expended to perform functions that duplicate co-
14 ordinating responsibilities of the Operating Group.

15 (c) The Operating Group shall continue to report only
16 to the authorities that appointed them pursuant to section
17 105(f).

18 LOCALLY EMPLOYED STAFF

19 SEC. 7069. (a) SALARY AND COMPENSATION.—Not-
20 withstanding any other provision of law, of the funds ap-
21 propriated by this Act under the heading “Diplomatic and
22 Consular Programs”, not less than \$695,000,000 should
23 be made available for salary and compensation (including
24 awards and special benefits) for overseas, locally employed

1 staff of the Department of State, to remain available until
2 expended.

3 (b) REVIEW.—Not later than 180 days after enact-
4 ment of this Act, the Secretary of State shall review salary
5 and compensation guidelines for overseas, locally employed
6 staff of the Department of State, and not less than every
7 5 years thereafter, and shall establish a comprehensive
8 database for salary and compensation information for
9 such staff, as recommended in the Office of Inspector Gen-
10 eral Report Number ISP–I–09–44, April 2009.

11 (c) GUIDELINES.—Not later than 90 days after en-
12 actment of this Act, the Secretary of State shall consult
13 with the Committees on Appropriations on proposed
14 guidelines for awards and compensation of overseas, lo-
15 cally employed staff of the Department of State, including
16 for loss of life while on duty.

17 (d) DEFINITION.—For the purposes of this section,
18 locally employed staff shall mean employees compensated
19 under local compensation plans established under section
20 408 of the Foreign Service Act of 1980 (22 U.S.C. 3968).

21 AFRICA

22 SEC. 7070. (a) COUNTERTERRORISM PROGRAMS.—
23 Funds appropriated by this Act under the headings “De-
24 velopment Assistance”, “Economic Support Fund”,
25 “International Narcotics Control and Law Enforcement”,

1 “Nonproliferation, Anti-terrorism, Demining, and Related
2 Programs”, and “Peacekeeping Operations” shall be made
3 available as follows:

4 (1) Not less than \$24,735,000 shall be made
5 available for the East Africa Regional Strategic Ini-
6 tiative;

7 (2) Not less than \$3,600,000 shall be made
8 available for Africa Conflict Stabilization and Border
9 Security;

10 (3) Not less than \$85,000,000 shall be made
11 available for Trans-Sahara Counterterrorism Part-
12 nership;

13 (4) Not less than \$10,000,000 shall be made
14 available for a Horn of Africa and Pan Sahel Pro-
15 gram, in addition to funds otherwise made available
16 for such purposes, to be administered by the United
17 States Agency for International Development; and

18 (5) Except as provided for by this subsection,
19 funds made available pursuant to this subsection
20 shall be made available notwithstanding any funding
21 directives in this Act.

22 (b) ETHIOPIA.—Funds appropriated by this Act
23 under the heading “Foreign Military Financing Program”
24 that are available for assistance for Ethiopia may be made
25 available if the Secretary of State—

1 (1) submits a report to the Committees on Ap-
2 propriations detailing the nature of United States
3 training and equipment provided to the Ethiopian
4 army including steps being taken to ensure that
5 such training and equipment is not provided to Ethi-
6 opian army units or personnel with records of viola-
7 tions of internationally recognized human rights;
8 and

9 (2) certifies that the Government of Ethiopia is
10 making substantial progress in guaranteeing the
11 rights of its citizens to peaceful expression, associa-
12 tion and assembly, and to document violations of
13 internationally recognized human rights without har-
14 assment or criminal penalty.

15 (c) RWANDA.—None of the funds appropriated by
16 this Act under the heading “Foreign Military Financing
17 Program” may be made available for assistance for Rwan-
18 da if the Secretary of State has credible evidence that the
19 Government of Rwanda is providing political, military or
20 financial support to armed groups in the Democratic Re-
21 public of the Congo that have committed violations of
22 internationally recognized human rights, including rape,
23 except that funds may be made available to improve bor-
24 der controls to prevent the importation of minerals into
25 Rwanda by such groups.

1 (d) NATURAL RESOURCE TRANSPARENCY.—Funds
2 appropriated by this Act that are available for assistance
3 for Liberia, Sierra Leone, Nigeria, and Cote d'Ivoire shall
4 be made available to promote and support transparency
5 and accountability in relation to the extraction of timber,
6 oil and gas, cocoa and other natural resources, including
7 by strengthening implementation and monitoring of the
8 Extractive Industries Transparency Initiative (EITI) and
9 the Kimberley Process Certification Scheme, and none of
10 the funds appropriated by this Act shall be used to sup-
11 port industrial-scale logging.

12 (e) SUDAN LIMITATION ON ASSISTANCE.—

13 (1) Subject to subsection (2):

14 (A) Notwithstanding any other provision of
15 law, none of the funds appropriated by this Act
16 may be made available for assistance for the
17 Government of Sudan.

18 (B) None of the funds appropriated by this
19 Act may be made available for the cost, as de-
20 fined in section 502, of the Congressional
21 Budget Act of 1974, of modifying loans and
22 loan guarantees held by the Government of
23 Sudan, including the cost of selling, reducing,
24 or canceling amounts owed to the United

1 States, and modifying concessional loans, guar-
2 antees, and credit agreements.

3 (2) Subsection (e)(1) shall not apply if the Sec-
4 retary of State determines and certifies to the Com-
5 mittees on Appropriations that:

6 (A) The Government of Sudan honors its
7 pledges to cease attacks upon civilians and dis-
8 arms and demobilizes the Janjaweed and other
9 government-supported militias;

10 (B) The Government of Sudan and all gov-
11 ernment-supported militia groups are honoring
12 their commitments made in all previous cease-
13 fire agreements; and

14 (C) The Government of Sudan is allowing
15 unimpeded access to Darfur to humanitarian
16 aid organizations, the human rights investiga-
17 tion and humanitarian teams of the United Na-
18 tions, including protection officers, and an
19 international monitoring team that is based in
20 Darfur and has the support of the United
21 States.

22 (3) The provisions of subsection (e)(1) shall not
23 apply to—

24 (A) humanitarian assistance;

1 (B) assistance for the Darfur region,
2 Southern Sudan, Southern Kordofan/Nuba
3 Mountains State, Blue Nile State, and Abyei;
4 and

5 (C) assistance to support implementation
6 of the Comprehensive Peace Agreement and the
7 Darfur Peace Agreement or any other inter-
8 nationally-recognized viable peace agreement in
9 Sudan.

10 (4) For the purposes of this section, the term
11 “Government of Sudan” shall not include the Gov-
12 ernment of Southern Sudan.

13 (5) Notwithstanding any other law, assistance
14 in this Act may be made available to the Govern-
15 ment of Southern Sudan to provide non-lethal mili-
16 tary assistance, military education and training, and
17 defense services controlled under the International
18 Traffic in Arms Regulations (22 CFR 120.1 et seq.)
19 if the Secretary of State—

20 (A) determines that the provision of such
21 items is in the national interest of the United
22 States; and

23 (B) not later than 15 days before the pro-
24 vision of any such assistance, notifies the Com-

1 mittees on Appropriations of such determina-
2 tion.

3 (f) SOUTHERN SUDAN.—Of the funds appropriated
4 by this Act that are available for assistance for the Gov-
5 ernment of Southern Sudan, not more than 50 percent
6 may be obligated until the Secretary of State reports to
7 the Committees on Appropriations that the government’s
8 financial accounts have been independently audited and
9 the results are publicly accessible, except that funds may
10 be made available to promote and support transparency,
11 accountability and anti-corruption efforts in relation to the
12 management of revenues from oil and gas.

13 (g) KIMBERLEY PROCESS.—Of the funds appro-
14 priated under the heading “Economic Support Fund” in
15 this Act, not less than \$3,000,000 shall be made available
16 to support implementation of the Kimberley Process Cer-
17 tification Scheme, including to promote regional efforts to
18 combat cross-border smuggling and to support monitoring
19 by civil society organizations.

20 (h) WAR CRIMES IN AFRICA.—

21 (1) The Congress reaffirms its support for the
22 efforts of the International Criminal Tribunal for
23 Rwanda (ICTR) and the Special Court for Sierra
24 Leone (SCSL) to bring to justice individuals respon-

1 sible for war crimes and crimes against humanity in
2 a timely manner.

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

20 (3) The prohibition in subsection (2) may be
21 waived on a country-by-country basis if the Presi-
22 dent determines that doing so is in the national se-
23 curity interest of the United States: *Provided*, That
24 prior to exercising such waiver authority, the Presi-

1 dent shall submit a report to the Committees on Ap-
2 propriations, in classified form if necessary, on—

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

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

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

10 (i) ZIMBABWE.—

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

22 (2) None of the funds appropriated by this Act
23 shall be made available for assistance for the central
24 government of Zimbabwe, except for macroeconomic
25 growth assistance, unless the Secretary of State

1 makes the determination pursuant to subsection
2 (e)(1).

3 ASIA

4 SEC. 7071. (a) TIBET.—

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

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

1 (b) BURMA.—

2 (1) The Secretary of the Treasury shall instruct
3 the United States executive director to each appro-
4 priate international financial institution in which the
5 United States participates, to oppose and vote
6 against the extension by such institution of any loan
7 or financial or technical assistance or any other utili-
8 zation of funds of the respective bank to and for
9 Burma.

10 (2) Of the funds appropriated by this Act under
11 the heading “Economic Support Fund”, not less
12 than \$39,850,000 shall be made available for pro-
13 grams and activities in Burma, along the Burma-
14 Thailand border, of Burmese student groups and
15 other organizations located outside Burma, and for
16 humanitarian assistance for displaced Burmese
17 along Burma’s borders: *Provided*, That such funds
18 may be made available notwithstanding any other
19 provision of law, except paragraph (3) of this sub-
20 section: *Provided further*, That in addition to assist-
21 ance for Burmese refugees provided under the head-
22 ing “Migration and Refugee Assistance” in this Act,
23 not less than \$4,000,000 shall be made available for
24 community-based organizations operating in Thai-
25 land to provide food, medical and other humani-

1 tarian assistance to internally displaced persons in
2 eastern Burma: *Provided further*, That funds made
3 available under this paragraph shall be subject to
4 the regular notification procedures of the Commit-
5 tees on Appropriations.

6 (3) Of the funds appropriated by this Act under
7 the heading “Economic Support Fund” for assist-
8 ance for Burma, priority shall be given to bolstering
9 ongoing activities, and to supporting other agri-
10 culture, health, education, microfinance and income-
11 generation activities: *Provided*, That the Assistant
12 Secretary of State for East Asian and Pacific Af-
13 fairs shall consult with the Committees on Appro-
14 priations prior to the obligation of funds for any new
15 program, project or activity in Burma, or along Bur-
16 ma’s borders with Thailand and India: *Provided fur-*
17 *ther*, That none of the funds appropriated by this
18 Act may be used to support any activity that under-
19 mines the authority and standing of the National
20 League for Democracy in Burma.

21 (c) CAMBODIA.—

22 (1) Of the funds appropriated by this Act under
23 the headings “Development Assistance” and “Eco-
24 nomic Support Fund” for assistance for Cambodia,
25 priority shall be given to democracy programs, pro-

1 grams to support agriculture and public health, pro-
2 tect forests, and remove unexploded ordnance, and
3 increasing assistance, including core support, for in-
4 digenous nongovernmental organizations involved in
5 the promotion and protection of human rights, de-
6 mocracy and the rule of law: *Provided*, That prior to
7 the obligation of funds appropriated by this Act, the
8 Administrator of the United States Agency for
9 International Development shall submit a report to
10 the Committees on Appropriations detailing a fund-
11 ing strategy for ensuring the viability of civil society
12 in Cambodia.

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

21 (d) INDONESIA.—

22 (1) Of the funds appropriated by this Act under
23 the heading “Foreign Military Financing Program”,
24 not to exceed \$20,000,000 shall be made available
25 for assistance for Indonesia, of which \$2,000,000 is

1 withheld from obligation until the Secretary of State
2 submits to the Committees on Appropriations the re-
3 port on Indonesia detailed under such heading in the
4 report accompanying this Act.

5 (2) Of the funds appropriated by this Act under
6 the heading “Economic Support Fund” that are
7 available for assistance for Indonesia, not less than
8 \$500,000 should be made available for grants for ca-
9 pacity building of Indonesian human rights organi-
10 zations, including in Papua.

11 (e) MONGOLIA.—Funds appropriated by this Act
12 under the heading “Economic Support Fund” for assist-
13 ance for Mongolia shall be made available notwithstanding
14 any other provision of law for programs and activities that
15 address mutual security interests in the region.

16 (f) NEPAL.—

17 (1) Funds appropriated by this Act under the
18 heading “Foreign Military Financing Program” may
19 be made available for assistance for Nepal if the
20 Secretary of State certifies to the Committees on
21 Appropriations that the Nepali Armed Forces
22 (NAF) are—

23 (A) cooperating fully with investigations
24 and prosecutions by civilian judicial authorities

1 of violations of internationally recognized
2 human rights; and

3 (B) working constructively to redefine the
4 NAF's mission, implement reforms including
5 establishment of a civilian ministry of defense
6 to support budget transparency and account-
7 ability, and facilitate the assimilation of former
8 rebel combatants into the NAF consistent with
9 the goals of reconciliation, peace and stability.

10 (2) The conditions in paragraph (1) shall not
11 apply to assistance to support the deployment of
12 members of the NAF in international peacekeeping
13 and humanitarian relief and reconstruction oper-
14 ations.

15 (g) NORTH KOREA.—

16 (1) Funds appropriated under the heading “Mi-
17 gration and Refugee Assistance” in this Act shall be
18 made available for assistance for refugees from
19 North Korea.

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

24 (3) Of the funds appropriated by this Act under
25 the heading “Economic Support Fund”, \$4,000,000

1 shall be made available for democracy, human
2 rights, and governance programs for North Korea.

3 (4) None of the funds made available under the
4 heading “Economic Support Fund” may be made
5 available for obligation for energy-related assistance
6 for North Korea unless the Secretary of State deter-
7 mines and reports to the Committees on Appropria-
8 tions that North Korea is continuing to fulfill its
9 commitments under the Six Party Talks agreements.

10 (5) Funds appropriated in this Act and subse-
11 quent acts making appropriations for the Depart-
12 ment of State, foreign operations, and related pro-
13 grams for energy-related assistance for North Korea
14 shall be reduced by an amount equivalent to the
15 amount the Secretary of State determines the Gov-
16 ernment of North Korea owes the Government of the
17 United States for the unsupervised distribution of
18 food assistance provided by the United States: *Pro-*
19 *vided*, That the withholding required by this para-
20 graph shall continue to apply each fiscal year until
21 the Secretary of State reports to the Committees on
22 Appropriations that the Government of North Korea
23 has verified that such food assistance was provided
24 to eligible recipients as intended, or that North

1 Korea has fully reimbursed the Government of the
2 United States for the costs of such food assistance.

3 (h) PEOPLE'S REPUBLIC OF CHINA.—

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

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

1 (3) Notwithstanding any other provision of law
2 and subject to the regular notification procedures of
3 the Committees on Appropriations, of the funds ap-
4 propriated by this Act under the heading “Develop-
5 ment Assistance”, not less than \$20,000,000 shall
6 be made available to United States educational insti-
7 tutions and nongovernmental organizations for pro-
8 grams and activities in the People’s Republic of
9 China relating to the environment, governance, the
10 rule of law, and disaster preparedness, and may in-
11 clude regional exchange programs.

12 (i) PHILIPPINES.—

13 (1) Of the funds appropriated by this Act under
14 the headings “Development Assistance” and “Eco-
15 nomic Support Fund”, not less than \$70,300,000
16 shall be made available for assistance for the Phil-
17 ippines.

18 (2) Of the funds appropriated by this Act under
19 the heading “Foreign Military Financing Program”,
20 not to exceed \$33,000,000 may be made available
21 for assistance for the Philippines, of which
22 \$2,000,000 may not be obligated until the Secretary
23 of State submits to the Committees on Appropria-
24 tions the report on the Philippines detailed under
25 such heading in the report accompanying this Act.

1 (j) THAILAND.—Of the funds appropriated by this
2 Act under the heading “Economic Support Fund”, not
3 less than \$2,500,000 shall be made available for assist-
4 ance for development and conflict resolution programs in
5 southern Thailand.

6 (k) TIMOR LESTE.—Of the funds appropriated by
7 this Act under the heading “Economic Support Fund”,
8 not less than \$2,000,000, in addition to funds otherwise
9 made available for such purposes, shall be made available
10 for democracy programs and activities in Timor Leste,
11 and not less than \$1,500,000 shall be made available for
12 higher education scholarships.

13 (l) VIETNAM.—Notwithstanding any other provision
14 of law, funds appropriated by this Act under the headings
15 “Development Assistance”, “Economic Support Fund”,
16 and “Foreign Military Financing Program” may be made
17 available for programs and activities in Vietnam, including
18 for technical and other assistance to the Government of
19 Vietnam for the purpose of locating and identifying Viet-
20 nameese persons missing since 1975, and not less than
21 \$3,000,000 shall be made available for continued support
22 for environmental remediation of dioxin contaminated
23 sites and related health activities in Vietnam.

SERBIA

1

2 SEC. 7072. (a) Funds appropriated by this Act may
3 be made available for assistance for the central Govern-
4 ment of Serbia after May 31, 2010, if the President has
5 made the determination and certification contained in sub-
6 section (c).

7 (b) After May 31, 2010, the Secretary of the Treas-
8 ury should instruct the United States executive directors
9 to the international financial institutions to support loans
10 and assistance to the Government of Serbia subject to the
11 conditions in subsection (c).

12 (c) The determination and certification referred to in
13 subsection (a) is a determination and a certification by
14 the President to the Committees on Appropriations that
15 the Government of Serbia is—

16 (1) cooperating with the International Criminal
17 Tribunal for the former Yugoslavia including access
18 for investigators, the provision of documents, timely
19 information on the location, movement, and sources
20 of financial support of indictees, and the surrender
21 and transfer of indictees or assistance in their ap-
22 prehension, including Ratko Mladic;

23 (2) taking steps that are consistent with the
24 Dayton Accords to end Serbian financial, political,
25 security and other support which has served to

1 maintain separate Republika Srpska institutions;
2 and

3 (3) taking steps to implement policies which re-
4 flect a respect for minority rights and the rule of
5 law.

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

8 INDEPENDENT STATES OF THE FORMER SOVIET UNION

9 SEC. 7073. (a) None of the funds appropriated under
10 the heading “Assistance for Europe, Eurasia and Central
11 Asia” shall be made available for assistance for a govern-
12 ment of an Independent State of the former Soviet Union
13 if that government directs any action in violation of the
14 territorial integrity or national sovereignty of any other
15 Independent State of the former Soviet Union, such as
16 those violations included in the Helsinki Final Act: *Pro-*
17 *vided*, That such funds may be made available without re-
18 gard to the restriction in this subsection if the President
19 determines that to do so is in the national security interest
20 of the United States.

21 (b) Funds appropriated under the heading “Assist-
22 ance for Europe, Eurasia and Central Asia” for the Rus-
23 sian Federation, Armenia, Kazakhstan, and Uzbekistan
24 shall be subject to the regular notification procedures of
25 the Committees on Appropriations.

1 (c)(1) Of the funds appropriated under the heading
2 “Assistance for Europe, Eurasia and Central Asia” that
3 are allocated for assistance for the Government of the
4 Russian Federation, 60 percent shall be withheld from ob-
5 ligation until the President determines and certifies in
6 writing to the Committees on Appropriations that the Gov-
7 ernment of the Russian Federation—

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

13 (B) is providing full access to international non-
14 government organizations providing humanitarian
15 relief to refugees and internally displaced persons in
16 Chechnya.

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

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

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

24 (d) Section 907 of the FREEDOM Support Act shall
25 not apply to—

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

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

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

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

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

18 (6) humanitarian assistance.

19 REPRESSION IN THE RUSSIAN FEDERATION

20 SEC. 7074. (a) None of the funds appropriated under
21 the heading “Assistance for Europe, Eurasia and Central
22 Asia” in this Act may be made available for the Govern-
23 ment of the Russian Federation, after 180 days from the
24 date of the enactment of this Act, unless the Secretary

1 of State certifies to the Committees on Appropriations
2 that the Government of the Russian Federation:

3 (1) has implemented no statute, Executive
4 order, regulation or similar government action that
5 would discriminate, or which has as its principal ef-
6 fect discrimination, against religious groups or reli-
7 gious communities in the Russian Federation in vio-
8 lation of accepted international agreements on
9 human rights and religious freedoms to which the
10 Russian Federation is a party;

11 (2) is honoring its international obligations re-
12 garding freedom of expression, assembly, and press,
13 as well as due process;

14 (3) is investigating and prosecuting law enforce-
15 ment personnel credibly alleged to have committed
16 human rights abuses against political leaders, activ-
17 ists and journalists; and

18 (4) is immediately releasing political leaders,
19 activists and journalists who remain in detention.

20 (b) The Secretary of State may waive the require-
21 ments of subsection (a) if the Secretary determines that
22 to do so is important to the national interests of the
23 United States.

CENTRAL ASIA

1
2 SEC. 7075. (a) ASSISTANCE FOR KAZAKHSTAN.—
3 Funds appropriated by this Act may be made available
4 for assistance for the central Government of Kazakhstan
5 only if the Secretary of State reports to the Committees
6 on Appropriations that the Government of Kazakhstan
7 has made significant improvements in the protection of
8 human rights and civil liberties during the preceding 6
9 month period, including by fulfilling obligations rec-
10 ommended by the Organization for Security and Coopera-
11 tion in Europe (OSCE) in the areas of election procedures,
12 media freedom, freedom of religion, free assembly and mi-
13 nority rights, and by meeting the commitments it made
14 in connection with its assumption of the Chairmanship of
15 the OSCE in 2010.

16 (b) WAIVER.—The Secretary of State may waive sub-
17 section (a) if the Secretary determines and reports to the
18 Committees on Appropriations that such a waiver is im-
19 portant to the national security of the United States.

20 (c) EXTRACTIVE INDUSTRIES.—Not later than 90
21 days after enactment of this Act, the Secretary of State
22 shall submit a report to the Committees on Appropriations
23 detailing actions by the Government of Kazakhstan to im-
24 plement the Extractive Industries Transparency Initiative

1 and other actions to achieve transparency and account-
2 ability in managing revenues from oil, gas and mining.

3 (d) REPORT.—Not later than October 1, 2010, the
4 Secretary of State shall submit a report to the Committees
5 on Appropriations describing the following:

6 (1) the defense articles, defense services, and fi-
7 nancial assistance provided by the United States to
8 the countries of Central Asia during the 12-month
9 period ending 30 days prior to submission of such
10 report; and

11 (2) the use during such period of defense arti-
12 cles, defense services, and financial assistance pro-
13 vided by the United States by units of the armed
14 forces, border guards, or other security forces of
15 such countries.

16 (e) ASSISTANCE FOR UZBEKISTAN.—Funds appro-
17 priated by this Act may be made available for assistance
18 for the central Government of Uzbekistan if the Secretary
19 of State determines and reports to the Committees on Ap-
20 propriations that the Government of Uzbekistan is making
21 substantial and continuing progress—

22 (1) in meeting its commitments under the
23 “Declaration on the Strategic Partnership and Co-
24 operation Framework Between the Republic of Uz-
25 bekistan and the United States of America”, includ-

1 ing respect for internationally recognized human
2 rights, establishing a genuine multi-party system,
3 and ensuring free and fair elections, freedom of ex-
4 pression, and the independence of the media; and

5 (2) in investigating and prosecuting the individ-
6 uals responsible for the deliberate killings of civilians
7 in Andijan in May 2005.

8 (f) RESTRICTION.—If the Secretary of State has
9 credible evidence that any current or former official of the
10 Government of Uzbekistan was responsible for the delib-
11 erate killings of civilians in Andijan in May 2005, or for
12 other violations of internationally recognized human rights
13 in Uzbekistan, not later than 6 months after enactment
14 of this Act any person identified by the Secretary pursuant
15 to this subsection shall be ineligible for admission to the
16 United States.

17 (g) LIMITATION ON RESTRICTION.—The restriction
18 in subsection (f) shall cease to apply if the Secretary deter-
19 mines and reports to the Committees on Appropriations
20 that the Government of Uzbekistan has taken concrete
21 and measurable steps to improve respect for internation-
22 ally recognized human rights, including allowing peaceful
23 political and religious expression, releasing imprisoned
24 human rights defenders, and implementing recommenda-
25 tions made by the United Nations on torture.

1 (h) WAIVER.—The Secretary may waive the applica-
2 tion of subsection (f) if the Secretary determines that ad-
3 mission to the United States is necessary to attend the
4 United Nations or to further United States diplomatic or
5 law enforcement objectives.

6 (i) ASSISTANCE DEFINED.—For the purpose of this
7 section “assistance” shall include excess defense articles.

8 (j) COUNTRIES DEFINED.—For purposes of this sec-
9 tion, the term “countries of Central Asia” means Uzbek-
10 istan, Kazakhstan, Kyrgyz Republic, Tajikistan, and
11 Turkmenistan.

12 AFGHANISTAN

13 SEC. 7076. (a) FUNDING.—Of the funds appro-
14 priated by this Act, not to exceed \$2,761,500,000 should
15 be made available for assistance for Afghanistan.

16 (b) IN GENERAL.—Funds appropriated by this Act
17 for assistance for Afghanistan shall be made available, to
18 the maximum extent practicable, in a manner that utilizes
19 Afghan entities and emphasizes the participation and lead-
20 ership of Afghan women.

21 (c) ASSISTANCE FOR WOMEN AND GIRLS.—

22 (1) The terms and conditions of section
23 1102(b)(1) of Public Law 111–32 shall apply to as-
24 sistance for Afghanistan in fiscal year 2010.

1 (2) Of the funds appropriated by this Act for
2 assistance for Afghanistan, not less than
3 \$150,000,000 shall be made available to support
4 programs that directly address the needs and protect
5 the rights of Afghan women and girls, including for
6 the Afghan Independent Human Rights Commission,
7 the Afghan Ministry of Women’s Affairs, and for
8 women-led nongovernmental organizations, and of
9 which not less than \$10,000,000 shall be made
10 available to train and support Afghan women inves-
11 tigators, police officers, prosecutors and judges with
12 responsibility for investigating, prosecuting, and
13 punishing crimes of violence against women and
14 girls, not less than \$5,000,000 shall be made avail-
15 able for capacity building for Afghan women-led
16 nongovernmental organizations, and not less than
17 \$25,000,000 shall be made available to support pro-
18 grams and activities of such organizations, including
19 to provide legal assistance and training for Afghan
20 women and girls about their rights, and to promote
21 women’s health (including mental health), education,
22 and leadership.

23 (d) PROCUREMENT OF AFGHAN PRODUCTS AND
24 SERVICES.—The terms and conditions of section 1102(c)

1 of Public Law 111–32 shall apply to assistance for Af-
2 ghanistan in fiscal year 2010.

3 (e) ANTICORRUPTION.—

4 (1) The terms and conditions of section
5 1102(d) of Public Law 111–32 shall apply to assist-
6 ance for Afghanistan in fiscal year 2010.

7 (2) Of the funds appropriated by this Act under
8 the heading “International Narcotics Control and
9 Law Enforcement” that are available for assistance
10 for the Government of Afghanistan, \$55,000,000
11 may not be obligated for such assistance unless the
12 Secretary of State certifies to the Committees on
13 Appropriations that the Government of Afghanistan
14 is cooperating fully with United States efforts
15 against the Taliban and Al Qaeda and to reduce
16 poppy cultivation and illicit drug trafficking: *Pro-*
17 *vided*, That the Secretary of State may waive the
18 previous proviso if the Secretary reports to the Com-
19 mittees on Appropriations that to do so is vital to
20 the national security interests of the United States.

21 (f) RECONSTRUCTION ASSISTANCE.—

22 (1) Of the funds appropriated by this Act under
23 the heading “‘Economic Support Fund’” that are
24 available for assistance for Afghanistan, not less

1 than \$100,000,000 shall be made available for the
2 National Solidarity Program.

3 (2) The Secretary of State, in consultation with
4 the Secretary of Defense and the Administrator of
5 the United States Agency for International Develop-
6 ment, should enhance United States reconstruction
7 efforts in Afghanistan by—

8 (A) emphasizing capacity building and sup-
9 port of Afghan entities and institutions at the
10 provincial and sub-provincial levels;

11 (B) requiring civilian Provincial Recon-
12 struction Team (PRT) leaders to consult regu-
13 larly with appropriate local Afghan leaders in
14 their respective provinces and ensuring that
15 PRT reconstruction and development activities
16 support local needs in a sustainable manner
17 and in a manner that strengthens the authority
18 and control of the Government of Afghanistan
19 at the provincial and sub-provincial levels; and

20 (C) directing the PRTs, as appropriate
21 and with due regard to the safety of United
22 States personnel and existing requirements for
23 the reporting of waste, fraud and abuse, to pro-
24 vide a mechanism for local people to lodge com-
25 plaints regarding corruption or other mis-

1 conduct by Afghan or foreign officials when
2 such complaints cannot be safely and ade-
3 quately lodged with local law enforcement offi-
4 cials.

5 (g) RULE OF LAW PROGRAMS.—

6 (1) Of the funds appropriated by this Act under
7 the heading “Economic Support Fund”, not less
8 than \$5,000,000 shall be made available for rule of
9 law and governance programs in Afghanistan, in ad-
10 dition to funds otherwise made available for such
11 purposes, and the policy decisions and justification
12 for the use of such funds shall be the responsibility
13 of the Coordinator for Rule of Law at the United
14 States Embassy in Kabul, Afghanistan.

15 (2) Prior to the obligation of funds appro-
16 priated by this Act under the headings “Economic
17 Support Fund” and “International Narcotics Con-
18 trol and Law Enforcement” for assistance for Af-
19 ghanistan, the Secretary of State shall submit to the
20 Committees on Appropriations a spending plan for
21 democracy, rule of law, and governance programs for
22 Afghanistan, to include amounts, the purposes for
23 which funds are made available, and intended re-
24 sults.

1 of an Enterprise Fund, in whole or in part, the President
2 shall submit to the Committees on Appropriations, in ac-
3 cordance with the regular notification procedures of the
4 Committees on Appropriations, a plan for the distribution
5 of the assets of the Enterprise Fund.

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

12 UNITED NATIONS POPULATION FUND

13 SEC. 7079. (a) CONTRIBUTION.—Of the funds made
14 available under the headings “International Organizations
15 and Programs” in this Act for fiscal year 2010,
16 \$50,000,000 shall be made available for the United Na-
17 tions Population Fund (UNFPA).

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

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

1 Act, a comprehensive set of environmental, transparency
2 and internationally recognized worker rights and human
3 rights guidelines with requirements binding on the Cor-
4 poration and its investors that shall be consistently applied
5 to all projects, funds and sub-projects supported by the
6 Corporation: *Provided*, That these regulations shall be no
7 less rigorous than the environmental and social guidelines
8 that the Corporation has made publicly available as of
9 June 3, 2009, and the environmental and social policies
10 of the World Bank Group, and hereafter may be issued
11 and further revised only following public notice and oppor-
12 tunity for comment: *Provided further*, That the Overseas
13 Private Investment Corporation shall issue a report, not
14 later than 180 days after enactment of this Act, high-
15 lighting its substantial commitment to invest in renewable
16 and other clean energy technologies and plans to signifi-
17 cantly reduce greenhouse gas emissions from its portfolio:
18 *Provided further*, That such commitment shall include im-
19 plementing a revised climate change mitigation plan to re-
20 duce greenhouse gas emissions associated with projects
21 and sub-projects in the agency's portfolio as of June 30,
22 2008 by at least 30 percent over a 10-year period and
23 by at least 50 percent over a 15-year period.

24 (c) Notwithstanding section 235(a)(2) of the Foreign
25 Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the au-

1 thority of subsections (a) through (c) of section 234 of
2 such Act shall remain in effect through September 30,
3 2011.

4 EXTRADITION

5 SEC. 7081. (a) None of the funds appropriated in this
6 Act may be used to provide assistance (other than funds
7 provided under the headings “International Narcotics
8 Control and Law Enforcement”, “Migration and Refugee
9 Assistance”, “Emergency Migration and Refugee Assist-
10 ance”, and “Nonproliferation, Anti-terrorism, Demining
11 and Related Assistance”) for the central government of
12 a country which has notified the Department of State of
13 its refusal to extradite to the United States any individual
14 indicted for a criminal offense for which the maximum
15 penalty is life imprisonment without the possibility of pa-
16 role or for killing a law enforcement officer, as specified
17 in a United States extradition request.

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

24 (c) The Secretary of State may waive the restriction
25 in subsection (a) on a case-by-case basis if the Secretary

1 certifies to the Committees on Appropriations that such
2 waiver is important to the national interests of the United
3 States.

4 CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

5 SEC. 7082. (a) IN GENERAL.—Of the funds appro-
6 priated by this Act, up to \$1,239,500,000 may be made
7 available for programs and activities to—

- 8 (1) reduce, mitigate, and sequester greenhouse
- 9 gases that contribute to global climate change;
- 10 (2) support climate change adaptation; and
- 11 (3) protect biodiversity.

12 (b) ENERGY PROGRAMS.—Funds appropriated by
13 this Act under the headings “Clean Technology Fund”
14 and “Strategic Climate Fund”, and funds appropriated
15 under the headings “Development Assistance”, “Eco-
16 nomic Support Fund”, and “Assistance for Europe, Eur-
17 asia and Central Asia”, for energy programs and activi-
18 ties, may be made available only to promote the sustain-
19 able use of renewable energy technologies and energy effi-
20 cient end-use technologies, carbon sequestration, and car-
21 bon accounting, except that such funds may also be made
22 available for technologies that utilize natural gas and al-
23 ternative fuels for transportation purposes.

24 (c) ADAPTATION PROGRAMS.—Of the funds appro-
25 priated by this Act, not less than \$50,000,000 shall be

1 made available for United States contributions to the
2 Least Developed Countries Fund and the Special Climate
3 Change Fund to support adaptation programs and activi-
4 ties, if the Global Environment Facility makes publicly
5 available on its website the criteria used to determine
6 which programs and activities receive funds, the manner
7 in which such programs and activities meet such criteria,
8 the extent of local involvement in such programs and ac-
9 tivities, the amount of funds provided, and the results
10 achieved.

11 (d) BIODIVERSITY PROGRAMS.—Of the funds appro-
12 priated by this Act, not less than \$200,000,000 shall be
13 made available for programs and activities which directly
14 protect biodiversity, including tropical forests, wildlife, and
15 water ecosystems, in developing countries, with a priority
16 on strengthening the capacity of such countries to reduce
17 emissions from deforestation and forest degradation: *Pro-*
18 *vided*, That of the funds made available under this para-
19 graph, not less than \$25,000,000 shall be made available
20 for the United States Agency for International Develop-
21 ment’s conservation programs in the Amazon Basin, in-
22 cluding \$10,000,000 for such programs in Brazil: *Pro-*
23 *vided further*, That of the funds made available under this
24 paragraph, not less than \$18,500,000 shall be made avail-
25 able for the Congo Basin Forest Partnership and not less

1 than \$10,000,000 shall be made available for the Coral
2 Triangle Initiative: *Provided further*, That of the funds
3 made available under this paragraph, not less than
4 \$3,000,000 shall be made available for international pro-
5 grams of the United States Fish and Wildlife Service in-
6 cluding in Central Africa, not less than \$2,000,000 shall
7 be made available for international programs of the
8 United States Forest Service, and not less than
9 \$4,000,000 shall be made available to the Bureau of
10 Oceans and International Environmental and Scientific
11 Affairs, Department of State to support inter-agency out-
12 reach and capacity building programs and activities in de-
13 veloping countries related to implementation and enforce-
14 ment of section 8204 of Public Law 110–246: *Provided*
15 *further*, That funds made available pursuant to this head-
16 ing may be made available as a contribution to the Gala-
17 pagos Invasive Species Fund.

18 (e) CONSULTATION.—Funds made available pursuant
19 to this section are subject to prior consultation with, and
20 the regular notification procedures of, the Committees on
21 Appropriations: *Provided*, That prior to the obligation of
22 funds for a contribution to the Forest Carbon Partnership
23 Facility, the Secretary of State and the Secretary of the
24 Treasury, as appropriate, shall determine and report to
25 the Committees on Appropriations that there have been

1 thorough consultations by the World Bank with interested
2 civil society and indigenous organizations.

3 (f) EXTRACTION OF NATURAL RESOURCES.—

4 (1) The Secretary of the Treasury shall inform
5 the managements of the international financial insti-
6 tutions and the public that it is the policy of the
7 United States to oppose any assistance by such in-
8 stitutions (including but not limited to any loan,
9 credit, grant, or guarantee) for the extraction and
10 export of oil, gas, coal, timber, or other natural re-
11 source unless the government of the country has in
12 place functioning systems for:

13 (A) accurately accounting for payments for
14 companies involved in the extraction and export
15 of natural resources;

16 (B) the independent auditing of accounts
17 receiving such payments and the widespread
18 public dissemination of the findings of such au-
19 dits; and

20 (C) verifying government receipts against
21 company payments including widespread dis-
22 semination of such payment information, and
23 disclosing such documents as Host Government
24 Agreements, Concession Agreements, and bid-
25 ding documents, allowing in any such dissemi-

1 nation or disclosure for the redaction of, or ex-
2 ceptions for, information that is commercially
3 proprietary or that would create competitive
4 disadvantage.

5 (2) Not later than 180 days after the enact-
6 ment of this Act, the Secretary of the Treasury shall
7 submit a report to the Committees on Appropria-
8 tions describing, for each international financial in-
9 stitution, the amount and type of assistance pro-
10 vided, by country, for the extraction and export of
11 oil, gas, coal, timber, or other natural resources in
12 the preceding 12 months, and whether each institu-
13 tion considered, in its proposal for such assistance,
14 the extent to which the country has functioning sys-
15 tems described in paragraph (1).

16 (3) Of the funds appropriated under the head-
17 ing “Economic Support Fund” in this Act, not less
18 than \$5,000,000 shall be made available for a
19 United States contribution to the Extractive Indus-
20 tries Transparency Initiative (EITI) Trust Fund, in-
21 cluding to improve the capacity of civil society orga-
22 nizations to participate in the EITI process.

23 PROHIBITION ON PROMOTION OF TOBACCO

24 SEC. 7083. None of the funds provided by this Act
25 shall be available to promote the sale or export of tobacco

1 or tobacco products, or to seek the reduction or removal
2 by any foreign country of restrictions on the marketing
3 of tobacco or tobacco products, except for restrictions
4 which are not applied equally to all tobacco or tobacco
5 products of the same type.

6 COMMERCIAL LEASING OF DEFENSE ARTICLES

7 SEC. 7084. Notwithstanding any other provision of
8 law, and subject to the regular notification procedures of
9 the Committees on Appropriations, the authority of sec-
10 tion 23(a) of the Arms Export Control Act may be used
11 to provide financing to Israel, Egypt and NATO and
12 major non-NATO allies for the procurement by leasing
13 (including leasing with an option to purchase) of defense
14 articles from United States commercial suppliers, not in-
15 cluding Major Defense Equipment (other than helicopters
16 and other types of aircraft having possible civilian applica-
17 tion), if the President determines that there are compel-
18 ling foreign policy or national security reasons for those
19 defense articles being provided by commercial lease rather
20 than by government-to-government sale under such Act.

21 ANTI-KLEPTOCRACY

22 SEC. 7085. (a) In furtherance of the National Strat-
23 egy to Internationalize Efforts Against Kleptocracy and
24 Presidential Proclamation 7750, the Secretary of State
25 shall compile and maintain a list of officials of foreign gov-

1 ernments and their immediate family members who the
2 Secretary has credible evidence have been involved in cor-
3 ruption relating to the extraction of natural resources in
4 their countries.

5 (b) Any individual on the list compiled under sub-
6 section (a) shall be ineligible for admission to the United
7 States.

8 (c) The Secretary may waive the application of sub-
9 section (b) if the Secretary determines that admission to
10 the United States is necessary to attend the United Na-
11 tions or to further United States law enforcement objec-
12 tives, or that the circumstances which caused the indi-
13 vidual to be included on the list have changed sufficiently
14 to justify the removal of the individual from the list.

15 (d) Not later than 90 days after enactment of this
16 Act and 180 days thereafter, the Secretary of State shall
17 report in writing, in classified form if necessary, to the
18 Committees on Appropriations describing the evidence of
19 corruption concerning individuals listed pursuant to sub-
20 section (a).

21 (e) The Secretary of State should encourage other
22 governments to take similar steps regarding officials of
23 foreign governments and their family members who have
24 been credibly alleged to be involved in corruption relating
25 to the extraction of natural resources.

INTERNATIONAL PRISON CONDITIONS

1
2 SEC. 7086. (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 website, describing the conditions in pris-
7 ons and other detention facilities in countries receiving
8 United States assistance where the Assistant Secretary of
9 State for Democracy, Human Rights and Labor has deter-
10 mined, based on the Department of State's most recent
11 Human Rights Report and any other relevant information,
12 arbitrary detention and/or cruel, inhumane or degrading
13 treatment of prisoners or detainees, or inhumane prison
14 conditions, is common, and identifying those countries, if
15 any, whose governments the Assistant Secretary deter-
16 mines are making significant efforts to eliminate inhu-
17 mane conditions and those countries whose governments
18 the Assistant Secretary determines are not making such
19 efforts.

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

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

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

3 (2) human waste facilities are available and are
4 located separately from the prison population at
5 large, and human waste is disposed of regularly and
6 in a sanitary manner;

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

11 (4) prisoners and detainees have access to ade-
12 quate food and potable drinking water;

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

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

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

24 (8) the government is investigating and moni-
25 toring the conditions of prisons and other detention

1 facilities under its authority, including cooperation
2 with international experts on eliminating inhumane
3 conditions, and such information is available to the
4 Secretary of State;

5 (9) the government is appointing ombudsmen to
6 serve on behalf of prisoners and detainees, consid-
7 ering alternatives to incarceration for nonviolent of-
8 fenders to alleviate inhumane overcrowding, making
9 efforts to address the status and circumstances of
10 confinement of juvenile offenders, making efforts to
11 improve pre-trial detention, bail and recordkeeping
12 procedures to reduce pre-trial detention periods and
13 to ensure that prisoners do not serve beyond the
14 maximum sentence for the charged offense; and

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

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

1 Secretary of State determines are making significant ef-
2 forts to eliminate such conditions.

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

8 TRAINING AND EQUIPMENT REPORTS

9 SEC. 7087. (a) The annual foreign military training
10 report required by section 656 of the Foreign Assistance
11 Act of 1961 shall be submitted by the Secretary of De-
12 fense and the Secretary of State to the Committees on
13 Appropriations by the date specified in that section.

14 (b) Not later than 90 days after enactment of this
15 Act, the Secretary of State, in consultation with other rel-
16 evant United States Government agencies, shall submit to
17 the Committees on Appropriations a report detailing the
18 equipment to be purchased with funds appropriated or
19 otherwise made available under the headings “Inter-
20 national Narcotics Control and Law Enforcement” and
21 “Foreign Military Financing Program” in this Act: *Pro-*
22 *vided*, That such report shall include a description of the
23 anticipated costs associated with the operation and main-
24 tenance of such equipment in subsequent fiscal years: *Pro-*
25 *vided further*, That for the purposes of this subsection,

1 “equipment” shall be defined as any aircraft, vessel, boat
2 or vehicle.

3 (c) Section 656 of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2416) is amended by inserting the following
5 new paragraph after paragraph (b)(3):

6 “(4) For each country that received assistance
7 under Chapter 5 of Part II of this Act during the
8 reporting period, a calculation of the net savings to
9 that country on training purchased at a reduced cost
10 or incremental rate through the Foreign Military
11 Sales program, as authorized by section 21(a)(1)(C)
12 of the Arms Export Control Act, as amended by sec-
13 tion 108 of Public Law 99–83.”.

14 TRANSPARENCY AND ACCOUNTABILITY

15 SEC. 7088. (a) UNITED NATIONS.—Funds appro-
16 priated by this Act shall be made available to continue
17 to support efforts to promote transparency and account-
18 ability at the United Nations, including access to audits
19 and program information, as appropriate: *Provided*, That
20 the Secretary of State, following consultation with the
21 Committee on Appropriations, may withhold from obliga-
22 tion funds appropriated under the heading “International
23 Organizations and Programs” for a United States con-
24 tribution to a United Nations organization or agency if
25 the Secretary determines that such organization or agency

1 is not adequately implementing reforms to increase trans-
2 parency and accountability.

3 (b) INTERNATIONAL MONETARY FUND.—

4 (1) The Secretary of the Treasury shall instruct
5 the United States Executive Director of the Inter-
6 national Monetary Fund to promote standard public
7 disclosure of documents of the Fund presented to
8 the Executive Board of the Fund and summaries of
9 the minutes of meetings of the Board, as rec-
10 ommended by the Independent Evaluation Office of
11 the Fund, not later than 2 years after the date of
12 the meeting at which the document was presented or
13 the minutes were taken (as the case may be), unless
14 the Executive Board—

15 (A) determines that it is appropriate to
16 delay disclosure; and

17 (B) posts the reason for the delay on the
18 website of the Fund.

19 (2) TRANSPARENCY AND ACCOUNTABILITY OF
20 LOANS, AGREEMENTS, AND OTHER PROGRAMS OF
21 THE INTERNATIONAL MONETARY FUND.—The Sec-
22 retary of the Treasury shall instruct the United
23 States Executive Director of the International Mone-
24 tary Fund to promote—

1 (A) transparency and accountability in the
2 policymaking and budgetary procedures of gov-
3 ernments of members of the Fund;

4 (B) the participation of citizens and non-
5 governmental organizations in the economic pol-
6 icy choices of those governments; and

7 (C) the adoption by those governments of
8 loans, agreements, or other programs of the
9 Fund through a parliamentary process or an-
10 other participatory and transparent process, as
11 appropriate.

12 (3) EFFORTS TO REDUCE THE WORST FORMS
13 OF CHILD LABOR.—

14 (A) The Secretary of the Treasury shall in-
15 struct the United States Executive Director of
16 the International Monetary Fund to promote
17 policies and practices to reduce the worst forms
18 of child labor (as defined in section 507(6) of
19 the Trade Act of 1974 (19 U.S.C. 2467(6)))
20 through education and other means, such as
21 promoting the need for members of the Fund to
22 develop and implement national action plans to
23 combat the worst forms of child labor.

24 (B) Not later than one year after the date
25 of the enactment of this Act, the Secretary of

1 the Treasury shall submit to the Committees on
2 Appropriations and Foreign Relations of the
3 Senate and the Committees on Appropriations
4 and Financial Services of the House of Rep-
5 resentatives a report describing efforts of the
6 Fund to reduce the worst forms of child labor.

7 (c) NATIONAL BUDGET TRANSPARENCY.—

8 (1) None of the funds appropriated by this Act
9 may be made available for assistance for the central
10 government of any country that fails to publicly dis-
11 close on an annual basis its national budget, to in-
12 clude income and expenditures.

13 (2) The Secretary of State may waive the re-
14 quirements of paragraph (1) for a country if the
15 Secretary reports to the Committees on Appropria-
16 tions that to do so is important to the national inter-
17 est 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 shall be made available for programs
21 and activities to assist the central government of any
22 country named in the reports required by paragraph
23 (2) to improve national budget transparency: *Pro-*
24 *vided*, That such sums shall be in addition to funds
25 otherwise made available for such purposes.

1 (d) ASSISTANCE TRANSPARENCY.—Funds appro-
2 priated by this Act under the heading “Economic Support
3 Fund” for United States commitments to the 1987 South
4 Pacific Tuna Treaty shall be provided with the under-
5 standing that the Department of State shall monitor the
6 uses of funds provided to country recipients, and shall co-
7 ordinate such funds with other assistance provided to
8 country recipients by the United States Government, as
9 appropriate.

10 DISABILITY PROGRAMS

11 SEC. 7089. (a) Of the funds appropriated by this Act
12 under the heading “Economic Support Fund”, not less
13 than \$5,000,000 shall be made available for programs and
14 activities administered by the United States Agency for
15 International Development (USAID) to address the needs
16 and protect and promote the rights of people with disabili-
17 ties in developing countries, and for programs to dissemi-
18 nate information (including best practices and strategies)
19 on independent living, advocacy, education, and transpor-
20 tation to people with disabilities and disability advocacy
21 organizations in developing countries, including for the
22 cost of translation: *Provided*, That of the funds made
23 available pursuant to this section, \$1,000,000 shall be
24 available for projects to develop, support, and strengthen

1 sports programs in developing countries for children and
2 adults with physical or intellectual disabilities.

3 (b) Funds appropriated under the heading “Oper-
4 ating Expenses” in title II of this Act shall be made avail-
5 able to develop and implement training for staff in over-
6 seas USAID missions to promote the full inclusion and
7 equal participation of people with disabilities in developing
8 countries.

9 (c) The Secretary of State, the Secretary of the
10 Treasury, and the USAID Administrator shall seek to en-
11 sure that, where appropriate, construction projects funded
12 by this Act are accessible to people with disabilities and
13 in compliance with the USAID Policy on Standards for
14 Accessibility for the Disabled, or other similar accessibility
15 standards.

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

19 ORPHANS, DISPLACED, AND ABANDONED CHILDREN

20 SEC. 7090. Of the funds appropriated under title III
21 of this Act, \$3,000,000 should be made available for ac-
22 tivities to improve the capacity of foreign government
23 agencies and nongovernmental organizations to prevent
24 child abandonment, address the needs of orphans, dis-
25 placed and abandoned children and provide permanent

1 homes through family reunification, guardianship and do-
2 mestic adoptions: *Provided*, That funds made available
3 under title III of this Act should be made available, as
4 appropriate, consistent with—

5 (1) the goal of enabling children to remain in
6 the care of their family of origin, but when not pos-
7 sible, placing children in permanent homes through
8 adoption;

9 (2) the principle that such placements should be
10 based on informed consent which has not been in-
11 duced by payment or compensation;

12 (3) the view that long-term foster care or insti-
13 tutionalization are not permanent options and
14 should be used when no other suitable permanent
15 options are available; and

16 (4) the recognition that programs that protect
17 and support families can reduce the abandonment
18 and exploitation of children.

19 SRI LANKA

20 SEC. 7091. (a) None of the funds appropriated by
21 this Act under the heading “Foreign Military Financing
22 Program” may be made available for assistance for Sri
23 Lanka, no defense export license may be issued, and no
24 military equipment or technology shall be sold or trans-
25 ferred to Sri Lanka pursuant to the authorities contained

1 in this Act or any other Act, until the Secretary of State
2 certifies to the Committee on Appropriations that the Gov-
3 ernment of Sri Lanka—

4 (1) is suspending and bringing to justice mem-
5 bers of the military who have been credibly alleged
6 to have violated internationally recognized human
7 rights or international humanitarian law; and

8 (2) has agreed to the establishment of a field
9 presence of the Office of the United Nations High
10 Commissioner for Human Rights in Sri Lanka with
11 sufficient staff and mandate to conduct full and
12 unimpeded monitoring throughout the country and
13 to publicize its findings;

14 (3) is treating internally displaced persons in
15 accordance with international standards, including
16 by guaranteeing their freedom of movement, pro-
17 viding access to conflict-affected areas and popu-
18 lations by humanitarian organizations and journal-
19 ists, and accounting for persons detained in the con-
20 flict; and

21 (4) is implementing policies to promote rec-
22 onciliation and justice including devolution of power
23 to provincial councils in the north and east as pro-
24 vided for in the Constitution of Sri Lanka.

1 (b) Subsection (a) shall not apply to technology or
2 equipment made available for the limited purposes of mar-
3 itime and aerial surveillance.

4 (c) The Secretary of the Treasury shall instruct the
5 United States Executive Directors of the international fi-
6 nancial institutions (as defined in section 1701(e)(2) of
7 the International Financial Institutions Act (22 U.S.C.
8 262r(e)(2))) to vote against any loan, agreement, or other
9 financial support for Sri Lanka except to meet basic
10 human needs, unless the Secretary of State certifies to the
11 Committees on Appropriations that the Government of Sri
12 Lanka is meeting the requirements in subsections (a)(3)
13 and (4).

14 CUBA

15 SEC. 7092. (a) Subject to subsection (b), of the funds
16 appropriated by this Act under the heading “International
17 Narcotics Control and Law Enforcement”, \$1,000,000
18 shall be made available for preliminary work by the De-
19 partment of State, or such other entity as the Secretary
20 of State may designate, to establish cooperation with ap-
21 propriate agencies of the Government of Cuba on counter-
22 narcotics matters, including matters relating to coopera-
23 tion, coordination, and mutual assistance in the interdic-
24 tion of illicit drugs being transported through Cuban air-
25 space or over Cuban waters.

1 (b) The amount in subsection (a) shall not be avail-
2 able if the Secretary certifies to the Committees on Appro-
3 priations that—

4 (1) Cuba does not have in place appropriate
5 procedures to protect against the loss of innocent
6 life in the air and on the ground in connection with
7 the interdiction of illegal drugs; and

8 (2) There is credible evidence of involvement of
9 the Government of Cuba in drug trafficking during
10 the preceding 10 years.

11 (c) Not later than 90 days after enactment of this
12 Act, the Secretary of State, in consultation with the
13 Broadcasting Board of Governors, the International
14 Broadcasting Bureau, and other relevant agencies and or-
15 ganizations, shall submit to the Committees on Appropria-
16 tions a report detailing the following—

17 (1) the estimated size of the audiences in Cuba
18 for TV Marti and Radio Marti, and the sources and
19 relative reliability of the data on which such esti-
20 mates are based;

21 (2) the annual operating cost of AeroMarti and
22 its effectiveness in increasing such audience size;

23 (3) the annual operating cost (and total cost
24 over the life of the contract) of the contract with TV

1 Azteca to broadcast TV Marti on DirecTV and its
2 effectiveness in increasing such audience size;

3 (4) the principal obstacles to increasing such
4 audience size;

5 (5) other options for disseminating news and
6 information to Cuba which may be as, or more, cost
7 effective, including DVDs, the Internet, and cell
8 phones and other handheld electronic devices;

9 (6) the basis (including supporting data, if any)
10 for the decision to replace the two evening TV Marti
11 news programs with five-minute updates every half
12 hour; and

13 (7) a formal, multi-year strategic plan for the
14 Office of Cuba Broadcasting.

15 ASSISTANCE FOR FOREIGN NONGOVERNMENTAL

16 ORGANIZATIONS

17 SEC. 7093. Part I of the Foreign Assistance Act of
18 1961 (22 U.S.C. 2151 et seq.) is amended by inserting
19 after section 104C, the following new section:

20 **“SEC. 104D. ELIGIBILITY FOR ASSISTANCE.**

21 “Notwithstanding any other provision of law, regula-
22 tion, or policy, in determining eligibility for assistance au-
23 thorized under sections 104, 104A, 104B, and 104C—

24 “(1) foreign nongovernmental organizations
25 shall not be ineligible for such assistance solely on
26 the basis of health or medical services, including

1 counseling and referral services, provided by such or-
2 ganization with non-United States Government
3 funds if such services are permitted in the country
4 in which they are being provided and would not vio-
5 late United States law if provided in the United
6 States; and

7 “(2) foreign nongovernmental organizations
8 shall not be subject to requirements relating to the
9 use of non-United States Government funds for ad-
10 vocacy and lobbying activities other than those that
11 apply to United States nongovernmental organiza-
12 tions receiving assistance under this part.”.

13 This Act may be cited as the “Department of State,
14 Foreign Operations, and Related Programs Appropria-
15 tions Act, 2010”.

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[Report No. 111-44]

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

JULY 9, 2009

Read twice and placed on the calendar