

Calendar No. 107

111TH CONGRESS
1ST SESSION

H. R. 3081

IN THE SENATE OF THE UNITED STATES

JULY 13, 2009

Received; read twice and placed on the calendar

AN ACT

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 \$8,229,000,000 (increased by \$300,000), of which
11 \$1,577,427,000 is for Worldwide Security Protection (to
12 remain available until expended): *Provided*, That the Sec-
13 retary of State may transfer up to \$137,600,000 of the
14 total funds made available under this heading to any other
15 appropriation of any department or agency of the United
16 States, upon the concurrence of the head of such depart-
17 ment or agency, to support operations in and assistance
18 for Afghanistan and to carry out the provisions of the For-
19 eign Assistance Act of 1961: *Provided further*, That, con-
20 sistent with existing law and regulation, the Secretary of
21 State shall notify in writing the member of the House of
22 Representatives representing the district of a left-behind
23 parent when the parent reports an international child ab-
24 duction to the Department of State and the Secretary
25 shall maintain a computerized data tracking system to

1 track and monitor such reported international child abduc-
2 tion cases: *Provided further*, That the requirements of the
3 previous proviso shall not apply to cases where the left-
4 behind parent does not consent to the Secretary taking
5 such actions: *Provided further*, That funds made available
6 under this heading shall be allocated as follows:

7 (1) HUMAN RESOURCES.—For necessary ex-
8 penses for training, human resources management,
9 and salaries, including employment without regard
10 to civil service and classification laws of persons on
11 a temporary basis (not to exceed \$700,000), as au-
12 thorized by section 801 of the United States Infor-
13 mation and Educational Exchange Act of 1948,
14 \$2,667,130,000 to remain available until September
15 30, 2011, of which not less than \$138,075,000 shall
16 be available only for public diplomacy American sal-
17 aries, and, \$220,840,000 is for Worldwide Security
18 Protection and shall remain available until expended.

19 (2) OVERSEAS PROGRAMS.—For necessary ex-
20 penses for the regional bureaus of the Department
21 of State and overseas activities as authorized by law,
22 \$2,497,158,000 (increased by \$300,000), to remain
23 available until September 30, 2011, of which not less
24 than \$381,800,000 shall be available only for public
25 diplomacy international information programs.

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 \$1,356,587,000 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 establish, support, main-
12 tain, mobilize, and deploy a civilian response corps in co-
13 ordination with the United States Agency for Inter-
14 national Development, and for related reconstruction and
15 stabilization assistance to prevent or respond to conflict
16 or civil strife in foreign countries or regions, or to enable
17 transition from such strife, \$125,000,000, to remain avail-
18 able until expended: *Provided*, That funds made available
19 under this heading may be made available in fiscal year
20 2010 to provide administrative expenses for the Office of
21 the Coordinator for Reconstruction and Stabilization: *Pro-*
22 *vided further*, That notwithstanding any other provision
23 of law and following consultation with the Committees on
24 Appropriations, the President may exercise transfer au-
25 thorities contained in the Foreign Assistance Act of 1961

1 for reconstruction and stabilization assistance managed by
2 the Office of the Coordinator for Reconstruction and Sta-
3 bilization, United States Department of State, only to sup-
4 port an actively deployed civilian response corps, subject
5 to the regular notification procedures of the Committees
6 on Appropriations: *Provided further*, That not later than
7 45 days after enactment of this Act, the Secretary of State
8 and the Administrator of the United States Agency for
9 International Development shall submit a coordinated
10 joint spending plan for funds made available under this
11 heading and under the heading “Civilian Stabilization Ini-
12 tiative” in title II of this Act.

13 CAPITAL INVESTMENT FUND

14 For necessary expenses of the Capital Investment
15 Fund, \$160,000,000 (decreased by \$25,300,000), to re-
16 main available until expended, as authorized: *Provided*,
17 That section 135(e) of Public Law 103–236 shall not
18 apply to funds available under this heading.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector
21 General, \$100,000,000 (increased by \$8,000,000), not-
22 withstanding section 209(a)(1) of the Foreign Service Act
23 of 1980 (Public Law 96–465), as it relates to post inspec-
24 tions, of which \$23,000,000 (increased by \$2,000,000)
25 shall be for the Special Inspector General for Iraq Recon-

1 struction for reconstruction oversight, and \$23,000,000
2 (increased by \$2,000,000) shall be for the Special Inspec-
3 tor General for Afghanistan Reconstruction for recon-
4 struction oversight.

5 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

6 For expenses of educational and cultural exchange
7 programs, as authorized, \$600,000,000, to remain avail-
8 able until expended: *Provided*, That not to exceed
9 \$5,000,000, to remain available until expended, may be
10 credited to this appropriation from fees or other payments
11 received from or in connection with English teaching, edu-
12 cational advising and counseling programs, and exchange
13 visitor programs as authorized.

14 REPRESENTATION ALLOWANCES

15 For representation allowances as authorized,
16 \$8,175,000.

17 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

18 For expenses, not otherwise provided, to enable the
19 Secretary of State to provide for extraordinary protective
20 services, as authorized, \$28,500,000, to remain available
21 until September 30, 2011.

22 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

23 For necessary expenses for carrying out the Foreign
24 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
25 serving, maintaining, repairing, and planning for buildings

1 that are owned or directly leased by the Department of
2 State, renovating, in addition to funds otherwise available,
3 the Harry S Truman Building, and carrying out the Dip-
4 lomatic Security Construction Program as authorized,
5 \$876,850,000, to remain available until expended as au-
6 thorized, of which not to exceed \$25,000 may be used for
7 domestic and overseas representation as authorized: *Pro-*
8 *vided*, That none of the funds appropriated in this para-
9 graph shall be available for acquisition of furniture, fur-
10 nishings, or generators for other departments and agen-
11 cies.

12 In addition, for the costs of worldwide security up-
13 grades, acquisition, and construction as authorized,
14 \$847,300,000, to remain available until expended.

15 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
16 SERVICE
17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to enable the Secretary of
19 State to meet unforeseen emergencies arising in the Diplo-
20 matic and Consular Service, \$10,000,000, to remain avail-
21 able until expended as authorized, of which not to exceed
22 \$1,000,000 may be transferred to, and merged with, funds
23 appropriated by this Act under the heading “Repatriation
24 Loans Program Account”, subject to the same terms and
25 conditions.

1 BUYING POWER MAINTENANCE ACCOUNT

2 To offset adverse fluctuations in foreign currency ex-
3 change rates and/or overseas wage and price changes, as
4 authorized by section 24(b) of the State Department Basic
5 Authorities Act of 1956 (22 U.S.C. 2696(b)), \$7,500,000,
6 to remain available until expended.

7 REPATRIATION LOANS PROGRAM ACCOUNT

8 (INCLUDING TRANSFER OF FUNDS)

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

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

17 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

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

20 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND

21 DISABILITY FUND

22 For payment to the Foreign Service Retirement and
23 Disability Fund, as authorized by law, \$158,900,000.

1 INTERNATIONAL ORGANIZATIONS
2 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS
3 For necessary expenses, not otherwise provided for,
4 to meet annual obligations of membership in international
5 multilateral organizations, pursuant to treaties ratified
6 pursuant to the advice and consent of the Senate, conven-
7 tions or specific Acts of Congress, \$1,697,000,000: *Pro-*
8 *vided*, That the Secretary of State shall, at the time of
9 the submission of the President's budget to Congress
10 under section 1105(a) of title 31, United States Code,
11 transmit to the Committees on Appropriations the most
12 recent biennial budget prepared by the United Nations for
13 the operations of the United Nations: *Provided further*,
14 That the Secretary of State shall notify the Committees
15 on Appropriations at least 15 days in advance (or in an
16 emergency, as far in advance as is practicable) of any
17 United Nations action to increase funding for any United
18 Nations program without identifying an offsetting de-
19 crease elsewhere in the United Nations budget: *Provided*
20 *further*, That any payment of arrearages under this title
21 shall be directed toward activities that are mutually agreed
22 upon by the United States and the respective international
23 organization: *Provided further*, That none of the funds ap-
24 propriated in this paragraph shall be available for a
25 United States contribution to an international organiza-

1 tion for the United States share of interest costs made
2 known to the United States Government by such organiza-
3 tion for loans incurred on or after October 1, 1984,
4 through external borrowings.

5 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
6 ACTIVITIES

7 For necessary expenses to pay assessed and other ex-
8 penses of international peacekeeping activities directed to
9 the maintenance or restoration of international peace and
10 security, \$2,125,000,000, of which 15 percent shall re-
11 main available until September 30, 2011: *Provided*, That
12 none of the funds made available by this Act shall be obli-
13 gated or expended for any new or expanded United Na-
14 tions peacekeeping mission unless, at least 15 days in ad-
15 vance of voting for the new or expanded mission in the
16 United Nations Security Council (or in an emergency as
17 far in advance as is practicable): (1) the Committees on
18 Appropriations are notified of the estimated cost and
19 length of the mission, the national interest that will be
20 served, and the planned exit strategy; (2) the Committees
21 on Appropriations are notified that the United Nations
22 has taken appropriate measures to prevent United Nations
23 employees, contractor personnel, and peacekeeping forces
24 serving in any United Nations peacekeeping mission from
25 trafficking in persons, exploiting victims of trafficking, or

1 committing acts of illegal sexual exploitation, and to hold
2 accountable individuals who engage in such acts while par-
3 ticipating in the peacekeeping mission, including the pros-
4 ecution in their home countries of such individuals in con-
5 nection with such acts; and (3) notification pursuant to
6 section 7015 of this Act is submitted, and the procedures
7 therein followed, setting forth the source of funds that will
8 be used to pay for the cost of the new or expanded mission:
9 *Provided further*, That funds shall be available for peace-
10 keeping expenses only upon a certification by the Sec-
11 retary of State to the Committees on Appropriations that
12 American manufacturers and suppliers are being given op-
13 portunities to provide equipment, services, and material
14 for United Nations peacekeeping activities equal to those
15 being given to foreign manufacturers and suppliers.

16 INTERNATIONAL COMMISSIONS

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

20 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

21 UNITED STATES AND MEXICO

22 For necessary expenses for the United States Section
23 of the International Boundary and Water Commission,
24 United States and Mexico, and to comply with laws appli-

1 cable to the United States Section, including not to exceed
2 \$6,000 for representation; as follows:

3 SALARIES AND EXPENSES

4 For salaries and expenses, not otherwise provided for,
5 \$33,000,000.

6 CONSTRUCTION

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

10 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

11 For necessary expenses, not otherwise provided, for
12 the International Joint Commission and the International
13 Boundary Commission, United States and Canada, as au-
14 thorized by treaties between the United States and Can-
15 ada or Great Britain, and the Border Environment Co-
16 operation Commission as authorized by Public Law 103-
17 182, \$12,608,000: *Provided*, That of the amount provided
18 under this heading for the International Joint Commis-
19 sion, \$9,000 may be made available for representation ex-
20 penses.

21 INTERNATIONAL FISHERIES COMMISSIONS

22 For necessary expenses for international fisheries
23 commissions, not otherwise provided for, as authorized by
24 law, \$48,576,000: *Provided*, That the United States share
25 of such expenses may be advanced to the respective com-

1 missions pursuant to 31 U.S.C. 3324, *Provided further*,
2 That, in addition to other funds available for such pur-
3 poses, funds available under this heading may be used to
4 make payments necessary to fulfill the United States' obli-
5 gations under the Pacific Salmon Treaty.

6 RELATED AGENCY

7 BROADCASTING BOARD OF GOVERNORS

8 INTERNATIONAL BROADCASTING OPERATIONS

9 For necessary expenses to enable the Broadcasting
10 Board of Governors, as authorized, to carry out inter-
11 national communication activities, including the purchase,
12 rent, construction, and improvement of facilities for radio
13 and television transmission and reception and purchase,
14 lease, and installation of necessary equipment for radio
15 and television transmission and reception to Cuba, and to
16 make and supervise grants for radio and television broad-
17 casting to the Middle East, \$733,788,000: *Provided*, That
18 of the total amount in this heading, not to exceed \$16,000
19 may be used for official receptions within the United
20 States as authorized, not to exceed \$35,000 may be used
21 for representation abroad as authorized, and not to exceed
22 \$39,000 may be used for official reception and representa-
23 tion expenses of Radio Free Europe/Radio Liberty; and
24 in addition, notwithstanding any other provision of law,
25 not to exceed \$2,000,000 in receipts from advertising and

1 revenue from business ventures, not to exceed \$500,000
2 in receipts from cooperating international organizations,
3 and not to exceed \$1,000,000 in receipts from privatiza-
4 tion efforts of the Voice of America and the International
5 Broadcasting Bureau, to remain available until expended
6 for carrying out authorized purposes.

7 BROADCASTING CAPITAL IMPROVEMENTS

8 For the purchase, rent, construction, and improve-
9 ment of facilities for radio and television transmission and
10 reception, and purchase and installation of necessary
11 equipment for radio and television transmission and recep-
12 tion as authorized, \$12,662,000, to remain available until
13 expended, as authorized.

14 RELATED PROGRAMS

15 THE ASIA FOUNDATION

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

20 UNITED STATES INSTITUTE OF PEACE

21 For necessary expenses of the United States Institute
22 of Peace as authorized in the United States Institute of
23 Peace Act, \$49,220,000, to remain available until Sep-
24 tember 30, 2011.

1 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE
2 TRUST FUND

3 For necessary expenses of the Center for Middle
4 Eastern-Western Dialogue Trust Fund, the total amount
5 of the interest and earnings accruing to such Fund on or
6 before September 30, 2010, to remain available until ex-
7 pended.

8 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

9 For necessary expenses of Eisenhower Exchange Fel-
10 lowships, Incorporated, as authorized by sections 4 and
11 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
12 U.S.C. 5204–5205), all interest and earnings accruing to
13 the Eisenhower Exchange Fellowship Program Trust
14 Fund on or before September 30, 2010, to remain avail-
15 able until expended: *Provided*, That none of the funds ap-
16 propriated herein shall be used to pay any salary or other
17 compensation, or to enter into any contract providing for
18 the payment thereof, in excess of the rate authorized by
19 5 U.S.C. 5376; or for purposes which are not in accord-
20 ance with OMB Circulars A–110 (Uniform Administrative
21 Requirements) and A–122 (Cost Principles for Non-profit
22 Organizations), including the restrictions on compensation
23 for personal services.

1 ISRAELI ARAB SCHOLARSHIP PROGRAM

2 For necessary expenses of the Israeli Arab Scholar-
3 ship Program as authorized by section 214 of the Foreign
4 Relations Authorization Act, Fiscal Years 1992 and 1993
5 (22 U.S.C. 2452), all interest and earnings accruing to
6 the Israeli Arab Scholarship Fund on or before September
7 30, 2010, to remain available until expended.

8 NATIONAL ENDOWMENT FOR DEMOCRACY

9 For grants made by the Department of State to the
10 National Endowment for Democracy, as authorized by the
11 National Endowment for Democracy Act, \$100,000,000,
12 to remain available until expended, of which not less than
13 \$250,000 shall be for human rights and democracy pro-
14 grams relating to Tibet: *Provided*, That the President of
15 the National Endowment for Democracy shall provide to
16 the Committees on Appropriations not later than 45 days
17 after the date of enactment of this Act a report on the
18 proposed uses of funds under this heading on a regional
19 and country basis: *Provided further*, That funds made
20 available by this Act for the promotion of democracy may
21 be made available for the National Endowment for Democ-
22 racy notwithstanding any other provision of law or regula-
23 tion.

1 OTHER COMMISSIONS
2 COMMISSION FOR THE PRESERVATION OF AMERICA'S
3 HERITAGE ABROAD
4 SALARIES AND EXPENSES

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

8 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
9 SALARIES AND EXPENSES

10 For necessary expenses for the United States Com-
11 mission on International Religious Freedom, as authorized
12 by title II of the International Religious Freedom Act of
13 1998 (Public Law 105-292), \$4,300,000, to remain avail-
14 able until September 30, 2011.

15 COMMISSION ON SECURITY AND COOPERATION IN
16 EUROPE
17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission on Secu-
19 rity and Cooperation in Europe, as authorized by Public
20 Law 94-304, \$2,610,000, to remain available until Sep-
21 tember 30, 2011.

1 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
2 PEOPLE'S REPUBLIC OF CHINA
3 SALARIES AND EXPENSES

4 For necessary expenses of the Congressional-Execu-
5 tive Commission on the People's Republic of China, as au-
6 thorized, \$2,000,000, including not more than \$3,000 for
7 the purpose of official representation, to remain available
8 until September 30, 2011.

9 UNITED STATES-CHINA ECONOMIC AND SECURITY
10 REVIEW COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the United States-China
13 Economic and Security Review Commission, \$3,500,000,
14 including not more than \$4,000 for the purpose of official
15 representation, to remain available until September 30,
16 2011: *Provided*, That the Commission shall provide to the
17 Committees on Appropriations a quarterly accounting of
18 the cumulative balances of any unobligated funds that
19 were received by the Commission during any previous fis-
20 cal year: *Provided further*, That section 308(e) of the
21 United States-China Relations Act of 2000 (22 U.S.C.
22 6918(e)) (relating to the treatment of employees as Con-
23 gressional employees), and section 309 of such Act (22
24 U.S.C. 6919) (relating to printing and binding costs),
25 shall apply to the Commission in the same manner as such

1 section applies to the Congressional-Executive Commis-
2 sion on the People's Republic of China: *Provided further*,
3 That the Commission shall comply with chapter 43 of title
4 5, United States Code, regarding the establishment and
5 regular review of employee performance appraisals: *Pro-*
6 *vided further*, That the Commission shall comply with sec-
7 tion 4505a of title 5, United States Code, with respect
8 to limitations on payment of performance-based cash
9 awards: *Provided further*, That compensation for the exec-
10 utive director of the Commission may not exceed the rate
11 payable for level II of the Executive Schedule under sec-
12 tion 5313 of title 5, United States Code: *Provided further*,
13 That travel by members of the Commission and its staff
14 shall be arranged and conducted under the rules and pro-
15 cedures applying to travel by members of the House of
16 Representatives and its staff.

17 TITLE II

18 UNITED STATES AGENCY FOR INTERNATIONAL

19 DEVELOPMENT

20 FUNDS APPROPRIATED TO THE PRESIDENT

21 OPERATING EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out the provisions
24 of section 667 of the Foreign Assistance Act of 1961,
25 \$1,388,800,000, of which up to \$105,000,000 may remain

1 available until September 30, 2011: *Provided*, That none
2 of the funds appropriated under this heading and under
3 the heading “Capital Investment Fund” in this title may
4 be made available to finance the construction (including
5 architect and engineering services), purchase, or long-term
6 lease of offices for use by the United States Agency for
7 International Development (USAID), unless the USAID
8 Administrator has identified such proposed construction
9 (including architect and engineering services), purchase,
10 or long-term lease of offices in a report submitted to the
11 Committees on Appropriations at least 15 days prior to
12 the obligation of funds for such purposes: *Provided fur-*
13 *ther*, That the previous proviso shall not apply when the
14 total cost of construction (including architect and engi-
15 neering services), purchase, or long-term lease of offices
16 does not exceed \$1,000,000: *Provided further*, That of the
17 funds made available under this heading for capital invest-
18 ments related to the Development Leadership Initiative,
19 up to \$245,000,000 may remain available until September
20 30, 2014: *Provided further*, That contracts or agreements
21 entered into with funds appropriated under this heading
22 may entail commitments for the expenditure of such funds
23 through the following fiscal year: *Provided further*, That
24 any decision to open a new USAID overseas mission or
25 office or, except where there is a substantial security risk

1 to mission personnel, to close or significantly reduce the
2 number of personnel of any such mission or office, shall
3 be subject to the regular notification procedures of the
4 Committees on Appropriations: *Provided further*, That the
5 authority of sections 610 and 109 of the Foreign Assist-
6 ance Act of 1961 may be exercised by the Secretary of
7 State to transfer funds appropriated to carry out chapter
8 1 of part I of such Act to “Operating Expenses” in accord-
9 ance with the provisions of those sections: *Provided fur-*
10 *ther*, That of the funds appropriated or made available
11 under this heading, not to exceed \$250,000 may be avail-
12 able for representation and entertainment allowances, of
13 which not to exceed \$5,000 may be available for entertain-
14 ment allowances for USAID during the current fiscal year:
15 *Provided further*, That no such entertainment funds may
16 be used for the purposes listed in section 7020 of this Act:
17 *Provided further*, That appropriate steps shall be taken to
18 assure that, to the maximum extent possible, United
19 States-owned foreign currencies are utilized in lieu of dol-
20 lars.

21 CIVILIAN STABILIZATION INITIATIVE

22 For necessary expenses to carry out section 667 of
23 the Foreign Assistance Act of 1961 for the United States
24 Agency for International Development (USAID) to estab-
25 lish, support, maintain, mobilize, and deploy a civilian re-

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

12 CAPITAL INVESTMENT FUND

13 For necessary expenses for overseas construction and
14 related costs, and for the procurement and enhancement
15 of information technology and related capital investments,
16 pursuant to section 667 of the Foreign Assistance Act of
17 1961, \$213,000,000 (decreased by \$28,000,000), to re-
18 main available until expended: *Provided*, That this amount
19 is in addition to funds otherwise available for such pur-
20 poses: *Provided further*, That funds appropriated under
21 this heading shall be available for obligation only pursuant
22 to the regular notification procedures of the Committees
23 on Appropriations.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses to carry out the provisions
3 of section 667 of the Foreign Assistance Act of 1961,
4 \$46,500,000, to remain available until September 30,
5 2011, which sum shall be available for the Office of the
6 Inspector General of the United States Agency for Inter-
7 national Development.

8 TITLE III

9 BILATERAL ECONOMIC ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 For necessary expenses to enable the President to
12 carry out the provisions of the Foreign Assistance Act of
13 1961, and for other purposes, to remain available until
14 September 30, 2010, unless otherwise specified herein, as
15 follows:

16 GLOBAL HEALTH AND CHILD SURVIVAL

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the provisions
19 of chapters 1 and 10 of part I of the Foreign Assistance
20 Act of 1961, for global health activities, in addition to
21 funds otherwise available for such purposes,
22 \$2,375,000,000 (increased by \$10,000,000), to remain
23 available until September 30, 2011, and which shall be
24 apportioned directly to the United States Agency for
25 International Development: *Provided*, That this amount

1 shall be made available for such activities as: (1) child sur-
2 vival and maternal health programs; (2) immunization and
3 oral rehydration programs; (3) other health, nutrition,
4 water and sanitation programs which directly address the
5 needs of mothers and children, and related education pro-
6 grams; (4) assistance for children displaced or orphaned
7 by causes other than AIDS; (5) programs for the preven-
8 tion, treatment, control of, and research on HIV/AIDS,
9 tuberculosis, polio, malaria, and other infectious diseases,
10 and for assistance to communities severely affected by
11 HIV/AIDS, including children infected or affected by
12 AIDS; and (6) family planning/reproductive health: *Pro-*
13 *vided further*, That none of the funds appropriated under
14 this paragraph may be made available for nonproject as-
15 sistance, except that funds may be made available for such
16 assistance for ongoing health activities: *Provided further*,
17 That of the funds appropriated under this paragraph, not
18 to exceed \$400,000, in addition to funds otherwise avail-
19 able for such purposes, may be used to monitor and pro-
20 vide oversight of child survival, maternal and family plan-
21 ning/reproductive health, and infectious disease programs:
22 *Provided further*, That of the funds appropriated under
23 this paragraph, \$77,000,000 should be made available for
24 a United States contribution to The GAVI Fund: *Provided*
25 *further*, That none of the funds made available in this Act

1 nor any unobligated balances from prior appropriations
2 Acts may be made available to any organization or pro-
3 gram which, as determined by the President of the United
4 States, supports or participates in the management of a
5 program of coercive abortion or involuntary sterilization:
6 *Provided further*, That any determination made under the
7 previous proviso must be made no later than 6 months
8 after the date of enactment of this Act, and must be ac-
9 companied by a comprehensive analysis as well as the com-
10 plete evidence and criteria utilized to make the determina-
11 tion: *Provided further*, That none of the funds made avail-
12 able under this Act may be used to pay for the perform-
13 ance of abortion as a method of family planning or to mo-
14 tivate or coerce any person to practice abortions: *Provided*
15 *further*, That nothing in this paragraph shall be construed
16 to alter any existing statutory prohibitions against abor-
17 tion under section 104 of the Foreign Assistance Act of
18 1961: *Provided further*, That none of the funds made
19 available under this Act may be used to lobby for or
20 against abortion: *Provided further*, That in order to reduce
21 reliance on abortion in developing nations, funds shall be
22 available only to voluntary family planning projects which
23 offer, either directly or through referral to, or information
24 about access to, a broad range of family planning methods
25 and services, and that any such voluntary family planning

1 project shall meet the following requirements: (1) service
2 providers or referral agents in the project shall not imple-
3 ment or be subject to quotas, or other numerical targets,
4 of total number of births, number of family planning ac-
5 ceptors, or acceptors of a particular method of family
6 planning (this provision shall not be construed to include
7 the use of quantitative estimates or indicators for budg-
8 eting and planning purposes); (2) the project shall not in-
9 clude payment of incentives, bribes, gratuities, or financial
10 reward to: (A) an individual in exchange for becoming a
11 family planning acceptor; or (B) program personnel for
12 achieving a numerical target or quota of total number of
13 births, number of family planning acceptors, or acceptors
14 of a particular method of family planning; (3) the project
15 shall not deny any right or benefit, including the right of
16 access to participate in any program of general welfare
17 or the right of access to health care, as a consequence
18 of any individual's decision not to accept family planning
19 services; (4) the project shall provide family planning ac-
20 ceptors comprehensible information on the health benefits
21 and risks of the method chosen, including those conditions
22 that might render the use of the method inadvisable and
23 those adverse side effects known to be consequent to the
24 use of the method; and (5) the project shall ensure that
25 experimental contraceptive drugs and devices and medical

1 procedures are provided only in the context of a scientific
2 study in which participants are advised of potential risks
3 and benefits; and, not less than 60 days after the date
4 on which the Administrator of the United States Agency
5 for International Development determines that there has
6 been a violation of the requirements contained in para-
7 graph (1), (2), (3), or (5) of this proviso, or a pattern
8 or practice of violations of the requirements contained in
9 paragraph (4) of this proviso, the Administrator shall sub-
10 mit to the Committees on Appropriations a report con-
11 taining a description of such violation and the corrective
12 action taken by the Agency: *Provided further*, That in
13 awarding grants for natural family planning under section
14 104 of the Foreign Assistance Act of 1961 no applicant
15 shall be discriminated against because of such applicant's
16 religious or conscientious commitment to offer only nat-
17 ural family planning; and, additionally, all such applicants
18 shall comply with the requirements of the previous proviso:
19 *Provided further*, That for purposes of this or any other
20 Act authorizing or appropriating funds for the Depart-
21 ment of State, foreign operations, and related programs,
22 the term "motivate", as it relates to family planning as-
23 sistance, shall not be construed to prohibit the provision,
24 consistent with local law, of information or counseling
25 about all pregnancy options: *Provided further*, That to the

1 maximum extent feasible, taking into consideration cost,
2 timely availability, and best health practices, funds appro-
3 priated in this Act or prior appropriations Acts that are
4 made available for condom procurement shall be made
5 available only for the procurement of condoms manufac-
6 tured in the United States: *Provided further*, That infor-
7 mation provided about the use of condoms as part of
8 projects or activities that are funded from amounts appro-
9 priated by this Act shall be medically accurate and shall
10 include the public health benefits and failure rates of such
11 use.

12 In addition, for necessary expenses to carry out the
13 provisions of the Foreign Assistance Act of 1961 for the
14 prevention, treatment, and control of, and research on,
15 HIV/AIDS, \$5,409,000,000, to remain available until ex-
16 pended, and which shall be apportioned directly to the De-
17 partment of State: *Provided*, That of the funds appro-
18 priated under this paragraph, not less than \$750,000,000
19 shall be made available, notwithstanding any other provi-
20 sion of law, except for the United States Leadership
21 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
22 (Public Law 108–25), as amended, for a United States
23 contribution to the Global Fund to Fight AIDS, Tuber-
24 culosis and Malaria, and shall be expended at the min-
25 imum rate necessary to make timely payment for projects

1 and activities: *Provided further*, That up to 5 percent of
2 the aggregate amount of funds made available to the Glob-
3 al Fund in fiscal year 2010 may be made available to the
4 United States Agency for International Development for
5 technical assistance related to the activities of the Global
6 Fund: *Provided further*, That of the funds appropriated
7 under this paragraph, up to \$14,000,000 may be made
8 available, in addition to amounts otherwise available for
9 such purposes, for administrative expenses of the Office
10 of the Global AIDS Coordinator.

11 DEVELOPMENT ASSISTANCE

12 For necessary expenses to carry out the provisions
13 of sections 103, 105, 106, and sections 251 through 255,
14 and chapter 10 of part I of the Foreign Assistance Act
15 of 1961, \$2,465,000,000 (increased by \$25,000,000), to
16 remain available until September 30, 2011: *Provided*,
17 That of the funds appropriated under this heading that
18 are made available for assistance programs for displaced
19 and orphaned children and victims of war, not to exceed
20 \$44,000, in addition to funds otherwise available for such
21 purposes, may be used to monitor and provide oversight
22 of such programs: *Provided further*, That of the funds ap-
23 propriated by this Act, not less than \$265,000,000 shall
24 be made available for microenterprise and microfinance
25 development programs for the poor, especially women:

1 *Provided further*, That of the funds appropriated under
2 this heading, not less than \$24,000,000 shall be made
3 available for the American Schools and Hospitals Abroad
4 program: *Provided further*, That of the funds appropriated
5 by this Act, not less than \$310,000,000 (increased by
6 \$25,000,000) shall be made available for water and sani-
7 tation supply projects pursuant to the Senator Paul Simon
8 Water for the Poor Act of 2005 (Public Law 109–121):
9 *Provided further*, That of the funds appropriated by title
10 III of this Act, not less than \$1,000,000,000 shall be made
11 available for food security and agricultural development
12 programs, of which \$32,000,000 shall be made available
13 for Collaborative Research Support Programs: *Provided*
14 *further*, That prior to the obligation of funds pursuant to
15 the previous proviso and after consultation with other rel-
16 evant Federal departments and agencies, the Committees
17 on Appropriations, and relevant nongovernmental organi-
18 zations, the Administrator of the United States Agency
19 for International Development shall submit to the Com-
20 mittees on Appropriations a strategy for achieving the
21 food security and agricultural development program goals:
22 *Provided further*, That of the funds appropriated under
23 this heading for food security and agricultural develop-
24 ment programs, \$10,000,000 shall be made available for
25 a United States contribution to the endowment of the

1 Global Crop Diversity Trust pursuant to section 3202 of
2 Public Law 110–246: *Provided further*, That of the funds
3 appropriated under this heading, not less than
4 \$20,000,000 shall be made available for programs to im-
5 prove women’s leadership capacity in recipient countries.

6 INTERNATIONAL DISASTER ASSISTANCE

7 For necessary expenses to carry out the provisions
8 of section 491 of the Foreign Assistance Act of 1961 for
9 international disaster relief, rehabilitation, and recon-
10 struction assistance, \$830,000,000, to remain available
11 until expended.

12 TRANSITION INITIATIVES

13 For necessary expenses for international disaster re-
14 habilitation and reconstruction assistance pursuant to sec-
15 tion 491 of the Foreign Assistance Act of 1961,
16 \$100,000,000, to remain available until expended, to sup-
17 port transition to democracy and to long-term develop-
18 ment of countries in crisis: *Provided*, That such support
19 may include assistance to develop, strengthen, or preserve
20 democratic institutions and processes, revitalize basic in-
21 frastructure, and foster the peaceful resolution of conflict:
22 *Provided further*, That of the funds made available under
23 this heading, up to \$50,000,000 may be made available
24 for a Rapid Response Fund: *Provided further*, That none
25 of the funds made available for the Rapid Response Fund

1 may be obligated until the Administrator of the United
2 States Agency for International Development consults
3 with the Committees on Appropriations on the country
4 that will receive assistance, the level of assistance pro-
5 posed for such country, a description of the proposed pro-
6 grams, projects and activities, and the implementing agen-
7 cies or departments of the United States Government:
8 *Provided further*, That the United States Agency for Inter-
9 national Development shall submit a report to the Com-
10 mittees on Appropriations at least 5 days prior to begin-
11 ning a new program of assistance.

12 DEVELOPMENT CREDIT AUTHORITY

13 (INCLUDING TRANSFER OF FUNDS)

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

1 part I of such Act: *Provided further*, That such costs, in-
2 cluding the cost of modifying such direct and guaranteed
3 loans, shall be as defined in section 502 of the Congres-
4 sional Budget Act of 1974, as amended: *Provided further*,
5 That funds made available by this paragraph may be used
6 for the cost of modifying any such guaranteed loans under
7 this Act or prior Acts, and funds used for such costs shall
8 be subject to the regular notification procedures of the
9 Committees on Appropriations: *Provided further*, That the
10 provisions of section 107A(d) (relating to general provi-
11 sions applicable to the Development Credit Authority) of
12 the Foreign Assistance Act of 1961, as contained in sec-
13 tion 306 of H.R. 1486 as reported by the House Com-
14 mittee on International Relations on May 9, 1997, shall
15 be applicable to direct loans and loan guarantees provided
16 under this heading: *Provided further*, That these funds are
17 available to subsidize total loan principal, any portion of
18 which is to be guaranteed, of up to \$700,000,000.

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

1 ECONOMIC SUPPORT FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out the provisions
4 of chapter 4 of part II of the Foreign Assistance Act of
5 1961, \$6,370,096,000, to remain available until Sep-
6 tember 30, 2011: *Provided*, That of the funds appro-
7 priated under this heading, \$250,000,000 shall be avail-
8 able only for Egypt, which sum shall be provided on a
9 grant basis, and of which sum cash transfer assistance
10 shall be provided with the understanding that Egypt will
11 undertake significant economic and democratic reforms
12 which are additional to those which were undertaken in
13 previous fiscal years: *Provided further*, That of the funds
14 appropriated under this heading for assistance for Egypt,
15 not less than \$25,000,000 shall be made available for de-
16 mocracy, human rights and governance programs, and not
17 less than \$25,000,000 shall be made available for edu-
18 cation programs: *Provided further*, That \$11,000,000 of
19 the funds appropriated under this heading should be made
20 available for Cyprus to be used only for scholarships, ad-
21 ministrative support of the scholarship program,
22 bicomunal projects, and measures aimed at reunification
23 of the island and designed to reduce tensions and promote
24 peace and cooperation between the two communities on
25 Cyprus: *Provided further*, That of the funds appropriated

1 under this heading, not less than \$363,000,000 shall be
2 made available only for assistance for Jordan: *Provided*
3 *further*, That of the funds appropriated under this heading
4 not more than \$400,400,000 may be made available for
5 assistance for the West Bank and Gaza, of which not to
6 exceed \$2,000,000 may be used for administrative ex-
7 penses of the United States Agency for International De-
8 velopment (USAID), in addition to funds otherwise avail-
9 able for such purposes, to carry out programs in the West
10 Bank and Gaza: *Provided further*, That not more than
11 \$150,000,000 of the funds provided for the West Bank
12 and Gaza shall be for cash transfer assistance: *Provided*
13 *further*, That of the funds appropriated under this heading
14 for assistance for Afghanistan and Pakistan, assistance
15 may be provided notwithstanding any provision of law that
16 restricts assistance to foreign countries for cross border
17 stabilization and development programs between Afghani-
18 stan and Pakistan or between either country and the Cen-
19 tral Asian republics: *Provided further*, That \$300,000,000
20 of the funds made available for assistance for Afghanistan
21 under this heading may be obligated for such assistance
22 only after the Secretary of State certifies to the Commit-
23 tees on Appropriations that the Government of Afghani-
24 stan at both the national and provincial level is cooper-
25 ating fully with United States-funded poppy eradication

1 and interdiction efforts in Afghanistan: *Provided further*,
2 That the President may waive the previous proviso if the
3 President determines and reports to the Committees on
4 Appropriations that to do so is vital to the national secu-
5 rity interests of the United States: *Provided further*, That
6 of the funds appropriated under this heading,
7 \$200,660,000 shall be apportioned directly to USAID for
8 alternative development/institution building programs in
9 Colombia: *Provided further*, That of the funds appro-
10 priated under this heading that are available for Colombia,
11 not less than \$4,500,000 shall be transferred to, and
12 merged with, funds appropriated under the heading “Mi-
13 gration and Refugee Assistance” and shall be made avail-
14 able only for assistance to nongovernmental organizations
15 that provide emergency relief aid to Colombian refugees
16 in neighboring countries.

17 DEMOCRACY FUND

18 For necessary expenses to carry out the provisions
19 of the Foreign Assistance Act of 1961 for the promotion
20 of democracy globally, \$120,000,000 (increased by
21 \$10,000,000), to remain available until September 30,
22 2011, of which \$70,000,000 shall be made available for
23 the Human Rights and Democracy Fund of the Bureau
24 of Democracy, Human Rights and Labor, Department of
25 State, and \$50,000,000 shall be made available for the

1 Office of Democracy and Governance of the Bureau for
2 Democracy, Conflict, and Humanitarian Assistance,
3 United States Agency for International Development: *Pro-*
4 *vided*, That funds appropriated by this Act that are made
5 available for the promotion of democracy may be made
6 available notwithstanding any other provision of law, and
7 with regard to the National Endowment for Democracy,
8 any regulation: *Provided further*, That with respect to the
9 provision of assistance for democracy, human rights and
10 governance activities in this Act, the organizations imple-
11 menting such assistance and the specific nature of that
12 assistance shall not be subject to the prior approval by
13 the government of any foreign country.

14 INTERNATIONAL FUND FOR IRELAND

15 For necessary expenses to carry out the provisions
16 of chapter 4 of part II of the Foreign Assistance Act of
17 1961, \$18,000,000, which shall be available for the United
18 States contribution to the International Fund for Ireland
19 and shall be made available in accordance with the provi-
20 sions of the Anglo-Irish Agreement Support Act of 1986
21 (Public Law 99–415): *Provided*, That such amount shall
22 be expended at the minimum rate necessary to make time-
23 ly payment for projects and activities: *Provided further*,
24 That funds made available under this heading shall re-
25 main available until September 30, 2011.

1 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

2 For necessary expenses to carry out the provisions
3 of the Foreign Assistance Act of 1961, the FREEDOM
4 Support Act, and the Support for East European Democ-
5 racy (SEED) Act of 1989, \$722,253,000, to remain avail-
6 able until September 30, 2011, which shall be available,
7 notwithstanding any other provision of law, for assistance
8 and for related programs for countries identified in section
9 3 of the FREEDOM Support Act and section 3(c) of the
10 SEED Act: *Provided*, That funds appropriated under this
11 heading shall be considered to be economic assistance
12 under the Foreign Assistance Act of 1961 for purposes
13 of making available the administrative authorities con-
14 tained in that Act for the use of economic assistance: *Pro-*
15 *vided further*, That notwithstanding any provision of this
16 or any other Act, funds appropriated in prior years under
17 the headings “Independent States of the Former Soviet
18 Union” and similar headings and “Assistance for Eastern
19 Europe and the Baltic States” and similar headings, and
20 currencies generated by or converted from such funds,
21 shall be available for use in any country for which funds
22 are made available under this heading without regard to
23 the geographic limitations of the heading under which
24 such funds were originally appropriated: *Provided further*,
25 That funds made available for the Southern Caucasus re-

1 gion may be used for confidence-building measures and
2 other activities in furtherance of the peaceful resolution
3 of conflicts, including in Nagorno-Karabagh.

4 DEPARTMENT OF STATE

5 INTERNATIONAL NARCOTICS CONTROL AND LAW

6 ENFORCEMENT

7 For necessary expenses to carry out section 481 of
8 the Foreign Assistance Act of 1961, \$1,630,000,000, to
9 remain available until September 30, 2011: *Provided*,
10 That during fiscal year 2010, the Department of State
11 may also use the authority of section 608 of the Foreign
12 Assistance Act of 1961, without regard to its restrictions,
13 to receive excess property from an agency of the United
14 States Government for the purpose of providing it to a
15 foreign country or international organization under chap-
16 ter 8 of part I of that Act subject to the regular notifica-
17 tion procedures of the Committees on Appropriations: *Pro-*
18 *vided further*, That the Secretary of State shall provide
19 to the Committees on Appropriations not later than 45
20 days after the date of the enactment of this Act and prior
21 to the initial obligation of funds appropriated under this
22 heading, a report on the proposed uses of all funds under
23 this heading on a country-by-country basis for each pro-
24 posed program, project, or activity: *Provided further*, That
25 section 482(b) of the Foreign Assistance Act of 1961 shall

1 not apply to funds appropriated under this heading: *Pro-*
2 *vided further*, That assistance provided with funds appro-
3 priated under this heading that is made available notwith-
4 standing section 482(b) of the Foreign Assistance Act of
5 1961 shall be made available subject to the regular notifi-
6 cation procedures of the Committees on Appropriations:
7 *Provided further*, That none of the funds appropriated
8 under this heading for assistance for Afghanistan may be
9 made available for eradication programs through the aer-
10 ial spraying of herbicides unless the Secretary of State de-
11 termines and reports to the Committees on Appropriations
12 that the President of Afghanistan has requested assistance
13 for such aerial spraying programs for counternarcotics
14 purposes: *Provided further*, That in the event the Sec-
15 retary of State makes a determination pursuant to the
16 previous proviso, the Secretary shall consult with the Com-
17 mittees on Appropriations prior to the obligation of funds
18 for such eradication programs: *Provided further*, That
19 none of the funds appropriated under this heading for as-
20 sistance for Colombia shall be made available for budget
21 support or as cash payments: *Provided further*, That funds
22 appropriated under this heading that are made available
23 for assistance for the Bolivian military and police may be
24 made available for such purposes only if the Secretary of
25 State certifies to the Committees on Appropriations that

1 the Bolivian military and police are respecting internation-
2 ally recognized human rights and cooperating fully with
3 investigations and prosecutions by civilian judicial authori-
4 ties of military and police personnel who have been
5 credibly alleged to have violated such rights: *Provided fur-*
6 *ther*, That in order to enhance border security and co-
7 operation in law enforcement efforts between the United
8 States and Mexico, funds appropriated under this heading
9 for assistance for Mexico may be made available for the
10 procurement of law enforcement communications equip-
11 ment only if such equipment utilizes open standards and
12 is compatible with, and capable of operating with, radio
13 communications systems and related equipment utilized by
14 Federal law enforcement agencies in the United States to
15 enhance border security and cooperation in law enforce-
16 ment efforts between Mexico and the United States.

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

19 For necessary expenses for nonproliferation, anti-ter-
20 rorism, demining and related programs and activities,
21 \$717,430,000, to carry out the provisions of chapter 8 of
22 part II of the Foreign Assistance Act of 1961 for anti-
23 terrorism assistance, chapter 9 of part II of the Foreign
24 Assistance Act of 1961, section 504 of the FREEDOM
25 Support Act, section 23 of the Arms Export Control Act

1 or the Foreign Assistance Act of 1961 for demining activi-
2 ties, the clearance of unexploded ordnance, the destruction
3 of small arms, and related activities, notwithstanding any
4 other provision of law, including activities implemented
5 through nongovernmental and international organizations,
6 and section 301 of the Foreign Assistance Act of 1961
7 for a voluntary contribution to the International Atomic
8 Energy Agency (IAEA), and for a United States contribu-
9 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
10 paratory Commission: *Provided*, That of this amount not
11 to exceed \$75,000,000, to remain available until expended,
12 may be made available for the Nonproliferation and Disar-
13 mament Fund, notwithstanding any other provision of
14 law, to promote bilateral and multilateral activities relat-
15 ing to nonproliferation, disarmament and weapons de-
16 struction: *Provided further*, That such funds may also be
17 used for such countries other than the Independent States
18 of the former Soviet Union and international organiza-
19 tions when it is in the national security interest of the
20 United States to do so: *Provided further*, That funds made
21 available for the Nonproliferation and Disarmament Fund
22 shall be subject to prior consultation with, and the regular
23 notification procedures of, the Committees on Appropria-
24 tions: *Provided further*, That funds appropriated under
25 this heading may be made available for IAEA only if the

1 Secretary of State determines (and so reports to the Con-
2 gress) that Israel is not being denied its right to partici-
3 pate in the activities of that Agency: *Provided further,*
4 That of the funds appropriated under this heading, not
5 more than \$500,000 may be made available for public-
6 private partnerships for conventional weapons and mine
7 action by grant, cooperative agreement or contract: *Pro-*
8 *vided further,* That of the funds made available for
9 demining and related activities, not to exceed \$700,000,
10 in addition to funds otherwise available for such purposes,
11 may be used for administrative expenses related to the op-
12 eration and management of the demining program: *Pro-*
13 *vided further,* That funds appropriated under this heading
14 that are available for “Anti-terrorism Assistance” and
15 “Export Control and Border Security” shall remain avail-
16 able until September 30, 2011.

17 MIGRATION AND REFUGEE ASSISTANCE

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

1 ized by the Foreign Service Act of 1980; allowances as
2 authorized by sections 5921 through 5925 of title 5,
3 United States Code; purchase and hire of passenger motor
4 vehicles; and services as authorized by section 3109 of title
5 5, United States Code, \$1,480,444,000, to remain avail-
6 able until expended, of which not less than \$25,000,000
7 shall be made available for refugees resettling in Israel.

8 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
9 ASSISTANCE FUND

10 For necessary expenses to carry out the provisions
11 of section 2(c) of the Migration and Refugee Assistance
12 Act of 1962, as amended (22 U.S.C. 2601(c)),
13 \$75,000,000, to remain available until expended.

14 INDEPENDENT AGENCIES

15 PEACE CORPS

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out the provisions
18 of the Peace Corps Act (22 U.S.C. 2501–2523), including
19 the purchase of not to exceed five passenger motor vehicles
20 for administrative purposes for use outside of the United
21 States, \$450,000,000 to remain available until September
22 30, 2011: *Provided*, That none of the funds appropriated
23 under this heading shall be used to pay for abortions: *Pro-*
24 *vided further*, That the Director of the Peace Corps may
25 transfer to the Foreign Currency Fluctuations Account,

1 as authorized by 22 U.S.C. 2515, an amount not to exceed
2 \$5,000,000: *Provided further*, That funds transferred pur-
3 suant to the previous proviso may not be derived from
4 amounts made available for Peace Corps overseas oper-
5 ations: *Provided further*, That of the funds appropriated
6 under this heading, not to exceed \$4,000 may be made
7 available for entertainment expenses: *Provided further*,
8 That any decision to open a new domestic office or to
9 close, or significantly reduce the number of personnel of,
10 any office, shall be subject to the regular notification pro-
11 cedures of the Committees on Appropriations.

12 MILLENNIUM CHALLENGE CORPORATION

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses to carry out the provisions
15 of the Millennium Challenge Act of 2003, \$1,400,000,000
16 to remain available until expended: *Provided*, That of the
17 funds appropriated under this heading, up to \$95,000,000
18 may be available for administrative expenses of the Millen-
19 nium Challenge Corporation (the Corporation): *Provided*
20 *further*, That up to 10 percent of the funds appropriated
21 under this heading may be made available to carry out
22 the purposes of section 616 of the Millennium Challenge
23 Act of 2003 for fiscal year 2010: *Provided further*, That
24 section 605(e)(4) of the Millennium Challenge Act of 2003
25 shall apply to funds appropriated under this heading: *Pro-*

1 *vided further*, That funds appropriated under this heading
2 may be made available for a Millennium Challenge Com-
3 pact entered into pursuant to section 609 of the Millen-
4 nium Challenge Act of 2003 only if such Compact obli-
5 gates, or contains a commitment to obligate subject to the
6 availability of funds and the mutual agreement of the par-
7 ties to the Compact to proceed, the entire amount of the
8 United States Government funding anticipated for the du-
9 ration of the Compact: *Provided further*, That the Cor-
10 poration should reimburse the United States Agency for
11 International Development (USAID) for all expenses in-
12 curred by USAID with funds appropriated under this
13 heading in assisting the Corporation in carrying out the
14 Millennium Challenge Act of 2003 (22 U.S.C. 7701 et
15 seq.), including administrative costs for compact develop-
16 ment, negotiation, and implementation: *Provided further*,
17 That the Chief Executive Officer of the Millennium Chal-
18 lenge Corporation shall notify the Committees on Appro-
19 priations not later than 15 days prior to signing any new
20 country compact or new threshold country program; termi-
21 nating or suspending any country compact or threshold
22 country program; or commencing negotiations for any new
23 compact or threshold country program: *Provided further*,
24 That of the funds appropriated under this heading, not
25 to exceed \$100,000 may be available for representation

1 and entertainment allowances, of which not to exceed
2 \$5,000 may be available for entertainment allowances.

3 INTER-AMERICAN FOUNDATION

4 For necessary expenses to carry out the functions of
5 the Inter-American Foundation in accordance with the
6 provisions of section 401 of the Foreign Assistance Act
7 of 1969, \$22,760,000, to remain available until September
8 30, 2011: *Provided*, That of the funds appropriated under
9 this heading, not to exceed \$2,000 may be available for
10 entertainment and representation allowances.

11 AFRICAN DEVELOPMENT FOUNDATION

12 For necessary expenses to carry out title V of the
13 International Security and Development Cooperation Act
14 of 1980 (Public Law 96–533), \$30,000,000, to remain
15 available until September 30, 2011: *Provided*, That funds
16 made available to grantees may be invested pending ex-
17 penditure for project purposes when authorized by the
18 Board of Directors of the Foundation: *Provided further*,
19 That interest earned shall be used only for the purposes
20 for which the grant was made: *Provided further*, That not-
21 withstanding section 505(a)(2) of the African Develop-
22 ment Foundation Act, in exceptional circumstances the
23 Board of Directors of the Foundation may waive the
24 \$250,000 limitation contained in that section with respect
25 to a project and a project may exceed the limitation by

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

5 DEPARTMENT OF THE TREASURY

6 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

7 For necessary expenses to carry out the provisions
8 of section 129 of the Foreign Assistance Act of 1961,
9 \$25,000,000, to remain available until September 30,
10 2012, which shall be available notwithstanding any other
11 provision of law.

12 DEBT RESTRUCTURING

13 For the cost, as defined in section 502 of the Con-
14 gressional Budget Act of 1974, of modifying loans and
15 loan guarantees, as the President may determine, for
16 which funds have been appropriated or otherwise made
17 available for programs within the International Affairs
18 Budget Function 150, including the cost of selling, reduc-
19 ing, or canceling amounts owed to the United States as
20 a result of concessional loans made to eligible countries,
21 pursuant to parts IV and V of the Foreign Assistance Act
22 of 1961, of modifying concessional credit agreements with
23 least developed countries, as authorized under section 411
24 of the Agricultural Trade Development and Assistance Act
25 of 1954, as amended, of concessional loans, guarantees

1 and credit agreements, as authorized under section 572
2 of the Foreign Operations, Export Financing, and Related
3 Programs Appropriations Act, 1989 (Public Law 100–
4 461), and of canceling amounts owed, as a result of loans
5 or guarantees made pursuant to the Export-Import Bank
6 Act of 1945, by countries that are eligible for debt reduc-
7 tion pursuant to title V of H.R. 3425 as enacted into law
8 by section 1000(a)(5) of Public Law 106–113,
9 \$60,000,000, to remain available until September 30,
10 2012: *Provided*, That not less than \$20,000,000 of the
11 funds appropriated under this heading shall be made avail-
12 able to carry out the provisions of part V of the Foreign
13 Assistance Act of 1961: *Provided further*, That amounts
14 paid to the HIPC Trust Fund may be used only to fund
15 debt reduction under the enhanced HIPC initiative by—

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

21 *Provided further*, That funds may not be paid to the HIPC
22 Trust Fund for the benefit of any country if the Secretary
23 of State has credible evidence that the government of such
24 country is engaged in a consistent pattern of gross viola-
25 tions of internationally recognized human rights or in mili-

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

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

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

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

16 TITLE IV

17 INTERNATIONAL SECURITY ASSISTANCE

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 PEACEKEEPING OPERATIONS

20 For necessary expenses to carry out the provisions
21 of section 551 of the Foreign Assistance Act of 1961,
22 \$331,500,000: *Provided*, That funds appropriated under
23 this heading may be used, notwithstanding section 660 of
24 the Foreign Assistance Act, to provide assistance to en-
25 hance the capacity of foreign security forces, including

1 gendarmes, to participate in peacekeeping operations: *Pro-*
2 *vided further*, That of the funds made available under this
3 heading, not less than \$26,000,000 shall be made avail-
4 able for a United States contribution to the Multinational
5 Force and Observers mission in the Sinai: *Provided fur-*
6 *ther*, That up to \$102,000,000 may be made available for
7 assistance for Somalia, of which up to \$55,000,000 may
8 be used to pay assessed expenses of international peace-
9 keeping activities in Somalia: *Provided further*, That none
10 of the funds appropriated under this heading shall be obli-
11 gated or expended except as provided through the regular
12 notification procedures of the Committees on Appropria-
13 tions.

14 INTERNATIONAL MILITARY EDUCATION AND TRAINING

15 For necessary expenses to carry out the provisions
16 of section 541 of the Foreign Assistance Act of 1961,
17 \$110,283,000, of which up to \$4,000,000 may remain
18 available until expended and may only be provided through
19 the regular notification procedures of the Committees on
20 Appropriations: *Provided*, That the civilian personnel for
21 whom military education and training may be provided
22 under this heading may include civilians who are not mem-
23 bers of a government whose participation would contribute
24 to improved civil-military relations, civilian control of the
25 military, or respect for human rights: *Provided further*,

1 That funds made available under this heading for assist-
2 ance for Haiti, Guatemala, the Democratic Republic of the
3 Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh,
4 Libya, and Angola may only be provided through the reg-
5 ular notification procedures of the Committees on Appro-
6 priations and any such notification shall include a detailed
7 description of proposed activities: *Provided further*, That
8 of the funds appropriated under this heading, not to ex-
9 ceed \$55,000 may be available for entertainment allow-
10 ances.

11 FOREIGN MILITARY FINANCING PROGRAM

12 For necessary expenses for grants to enable the
13 President to carry out the provisions of section 23 of the
14 Arms Export Control Act, \$4,260,000,000: *Provided*,
15 That to expedite the provision of assistance to foreign
16 countries and international organizations, the Secretary of
17 State may use the funds appropriated under this heading
18 to procure defense articles and services to enhance the ca-
19 pacity of foreign security forces: *Provided further*, That
20 the Department of State shall consult with the Commit-
21 tees on Appropriations prior to exercising the authority
22 contained in the previous proviso: *Provided further*, That
23 of the funds appropriated under this heading, not less
24 than \$2,220,000,000 shall be available for grants only for
25 Israel, and not less than \$1,040,000,000 shall be made

1 available for grants only for Egypt, including for border
2 security programs and activities in the Sinai: *Provided fur-*
3 *ther*, That the funds appropriated by this paragraph for
4 Israel shall be disbursed within 30 days of the enactment
5 of this Act: *Provided further*, That to the extent that the
6 Government of Israel requests that funds be used for such
7 purposes, grants made available for Israel by this para-
8 graph shall, as agreed by the United States and Israel,
9 be available for advanced weapons systems, of which not
10 less than \$583,860,000 shall be available for the procure-
11 ment in Israel of defense articles and defense services, in-
12 cluding research and development: *Provided further*, That
13 funds appropriated under this heading estimated to be
14 outlayed for Egypt during fiscal year 2010 shall be trans-
15 ferred to an interest bearing account for Egypt in the Fed-
16 eral Reserve Bank of New York within 30 days of enact-
17 ment of this Act: *Provided further*, That of the funds ap-
18 propriated by this paragraph, \$150,000,000 shall be made
19 available for assistance for Jordan: *Provided further*, That
20 of the funds appropriated under this heading, not more
21 than \$60,000,000 shall be available for Colombia, of which
22 \$12,500,000 is available to support maritime interdiction
23 and riverine operations: *Provided further*, That funds ap-
24 propriated under this heading for assistance for Pakistan
25 may be made available only for border security, counter-

1 terrorism and law enforcement activities directed against
2 Al Qaeda, the Taliban and associated terrorist groups:
3 *Provided further*, That none of the funds made available
4 under this heading shall be made available to support or
5 continue any program initially funded under the authority
6 of section 1206 of the National Defense Authorization Act
7 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
8 3456) unless the Department of State, in coordination
9 with the Department of Defense, has justified such pro-
10 gram to the Committees on Appropriations: *Provided fur-*
11 *ther*, That funds appropriated or otherwise made available
12 by this paragraph shall be nonrepayable notwithstanding
13 any requirement in section 23 of the Arms Export Control
14 Act: *Provided further*, That funds made available under
15 this paragraph shall be obligated upon apportionment in
16 accordance with paragraph (5)(C) of title 31, United
17 States Code, section 1501(a).

18 None of the funds made available under this heading
19 shall be available to finance the procurement of defense
20 articles, defense services, or design and construction serv-
21 ices that are not sold by the United States Government
22 under the Arms Export Control Act unless the foreign
23 country proposing to make such procurements has first
24 signed an agreement with the United States Government
25 specifying the conditions under which such procurements

1 may be financed with such funds: *Provided*, That all coun-
2 try and funding level increases in allocations shall be sub-
3 mitted through the regular notification procedures of sec-
4 tion 7015 of this Act: *Provided further*, That none of the
5 funds appropriated under this heading may be made avail-
6 able for assistance for Nepal, Sri Lanka, Pakistan, Ban-
7 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,
8 Haiti, Guatemala, Ethiopia, and the Democratic Republic
9 of the Congo except pursuant to the regular notification
10 procedures of the Committees on Appropriations: *Provided*
11 *further*, That funds made available under this heading
12 may be used, notwithstanding any other provision of law,
13 for demining, the clearance of unexploded ordnance, and
14 related activities, and may include activities implemented
15 through nongovernmental and international organizations:
16 *Provided further*, That only those countries for which as-
17 sistance was justified for the “Foreign Military Sales Fi-
18 nancing Program” in the fiscal year 1989 congressional
19 presentation for security assistance programs may utilize
20 funds made available under this heading for procurement
21 of defense articles, defense services or design and con-
22 struction services that are not sold by the United States
23 Government under the Arms Export Control Act: *Provided*
24 *further*, That funds appropriated under this heading shall
25 be expended at the minimum rate necessary to make time-

1 ly payment for defense articles and services: *Provided fur-*
2 *ther*, That not more than \$54,464,000 of the funds appro-
3 priated under this heading may be obligated for necessary
4 expenses, including the purchase of passenger motor vehi-
5 cles for replacement only for use outside of the United
6 States, for the general costs of administering military as-
7 sistance and sales, except that this limitation may be ex-
8 ceeded only through the regular notification procedures of
9 the Committees on Appropriations: *Provided further*, That
10 of the funds appropriated under this heading for general
11 costs of administering military assistance and sales, not
12 to exceed \$4,000 may be available for entertainment ex-
13 penses and not to exceed \$130,000 may be available for
14 representation allowances: *Provided further*, That not
15 more than \$550,000,000 of funds realized pursuant to
16 section 21(e)(1)(A) of the Arms Export Control Act may
17 be obligated for expenses incurred by the Department of
18 Defense during fiscal year 2010 pursuant to section 43(b)
19 of the Arms Export Control Act, except that this limita-
20 tion may be exceeded only through the regular notification
21 procedures of the Committees on Appropriations.

1 TITLE V
2 MULTILATERAL ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS
5 For necessary expenses to carry out the provisions
6 of section 301 of the Foreign Assistance Act of 1961, and
7 of section 2 of the United Nations Environment Program
8 Participation Act of 1973, \$395,091,000: *Provided*, That
9 section 307(a) of the Foreign Assistance Act of 1961 shall
10 not apply to contributions to the United Nations Democ-
11 racy Fund.

12 INTERNATIONAL FINANCIAL INSTITUTIONS
13 GLOBAL ENVIRONMENT FACILITY
14 For the United States contribution for the Global En-
15 vironment Facility, \$86,500,000, to the International
16 Bank for Reconstruction and Development as trustee for
17 the Global Environment Facility, by the Secretary of the
18 Treasury, to remain available until expended.

19 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
20 ASSOCIATION
21 For payment to the International Development Asso-
22 ciation by the Secretary of the Treasury, \$1,235,000,000,
23 to remain available until expended.

1 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

2 For contributions to the multilateral Clean Tech-
 3 nology Fund, \$225,000,000, to remain available until ex-
 4 pended: *Provided*, That none of the funds made available
 5 under this heading may be obligated without specific au-
 6 thorization in a subsequent Act of Congress.

7 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

8 For contributions to the multilateral Strategic Cli-
 9 mate Fund, \$75,000,000, to remain available until ex-
 10 pended: *Provided*, That none of the funds made available
 11 under this heading may be obligated without specific au-
 12 thorization in a subsequent Act of Congress: *Provided fur-*
 13 *ther*, That the Secretary of the Treasury shall consult with
 14 the Committees on Appropriations on the proposed uses
 15 of these funds prior to making a contribution to the Stra-
 16 tegic Climate Fund.

17 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
 18 BANK

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

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

24 For payment to the Enterprise for the Americas Mul-
 25 tilateral Investment Fund by the Secretary of the Treas-

1 ury, for the United States contribution to the fund,
2 \$25,000,000, to remain available until expended.

3 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

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

9 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

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

14 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
15 AGRICULTURAL DEVELOPMENT

16 For the United States contribution by the Secretary
17 of the Treasury to increase the resources of the Inter-
18 national Fund for Agricultural Development,
19 \$30,000,000, to remain available until expended.

20 TITLE VI

21 EXPORT AND INVESTMENT ASSISTANCE

22 EXPORT-IMPORT BANK OF THE UNITED STATES

23 INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General in carrying out the provisions of the Inspector

1 General Act of 1978, as amended, \$2,500,000, to remain
2 available until September 30, 2011.

3 PROGRAM ACCOUNT

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

1 Export-Import Bank under this Act should be used for
2 renewable energy technologies or energy efficient end-use
3 technologies.

4 SUBSIDY APPROPRIATION

5 For the cost of direct loans, loan guarantees, insur-
6 ance, and tied-aid grants as authorized by section 10 of
7 the Export-Import Bank Act of 1945, as amended, not
8 to exceed \$58,000,000: *Provided*, That such costs, includ-
9 ing the cost of modifying such loans, shall be as defined
10 in section 502 of the Congressional Budget Act of 1974:
11 *Provided further*, That such funds shall remain available
12 until September 30, 2025, for the disbursement of direct
13 loans, loan guarantees, insurance and tied-aid grants obli-
14 gated in fiscal years 2010, 2011, 2012, and 2013: *Pro-*
15 *vided further*, That none of the funds appropriated by this
16 Act or any prior Acts appropriating funds for the Depart-
17 ment of State, foreign operations, and related programs
18 for tied-aid credits or grants may be used for any other
19 purpose except through the regular notification procedures
20 of the Committees on Appropriations: *Provided further*,
21 That funds appropriated by this paragraph are made
22 available notwithstanding section 2(b)(2) of the Export-
23 Import Bank Act of 1945, in connection with the purchase
24 or lease of any product by any Eastern European country,
25 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 of amounts collected in fiscal year 2010 in excess
2 of obligations, up to \$50,000,000, shall become available
3 on September 1, 2010, and shall remain available until
4 September 30, 2013.

5 OVERSEAS PRIVATE INVESTMENT CORPORATION
6 NONCREDIT ACCOUNT

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

23 PROGRAM ACCOUNT

24 For the cost of direct and guaranteed loans,
25 \$29,000,000, as authorized by section 234 of the Foreign

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

21 In addition, such sums as may be necessary for ad-
22 ministrative expenses to carry out the credit program may
23 be derived from amounts available for administrative ex-
24 penses to carry out the credit and insurance programs in

1 the Overseas Private Investment Corporation Noncredit
2 Account and merged with said account.

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 TRADE AND DEVELOPMENT AGENCY

5 For necessary expenses to carry out the provisions
6 of section 661 of the Foreign Assistance Act of 1961,
7 \$55,200,000, to remain available until September 30,
8 2011: *Provided*, That of the funds appropriated under this
9 heading, not to exceed \$4,000 may be made available for
10 representation and entertainment allowances.

11 TITLE VII

12 GENERAL PROVISIONS

13 ALLOWANCES AND DIFFERENTIALS

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

20 UNOBLIGATED BALANCES REPORT

21 SEC. 7002. Any department or agency to which funds
22 are appropriated or otherwise made available by this Act
23 shall provide to the Committees on Appropriations a quar-
24 terly accounting of cumulative balances by program,
25 project, and activity of the funds received by such depart-

1 ment or agency in this fiscal year or any previous fiscal
2 year that remain unobligated 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 PERSONNEL ACTIONS

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

22 INTERNATIONAL BROADCASTING

23 SEC. 7006. (a) Of the funds appropriated in this Act
24 under the heading “International Broadcasting Oper-
25 ations” for programming to the Middle East, Afghanistan,

1 and Pakistan, 10 percent of the funds shall not be avail-
2 able for obligation until the Broadcasting Board of Gov-
3 ernors reports to the Committees on Appropriations that
4 each relevant language service or grantee is abiding by the
5 standards and principles set forth in the United States
6 International Broadcasting Act of 1994 (22 U.S.C.
7 6202(a) and (b)), is in compliance with the relevant Jour-
8 nalistic Code of Ethics, and have a policy, including appro-
9 priate management controls, of not providing an open
10 platform for terrorists or those who support terrorists.

11 (b) The Broadcasting Board of Governors shall notify
12 the Committees on Appropriations within 15 days of any
13 determination by the Board that any of its broadcast enti-
14 ties, including its grantee organizations, was found to be
15 in violation of the principles, standards, or journalistic
16 code of ethics referenced in subsection (a).

17 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
18 COUNTRIES

19 SEC. 7007. None of the funds appropriated or other-
20 wise made available pursuant to titles III through VI of
21 this Act shall be obligated or expended to finance directly
22 any assistance or reparations for the government of Cuba,
23 North Korea, Iran, or Syria: *Provided*, That for purposes
24 of this section, the prohibition on obligations or expendi-

1 tures shall include direct loans, credits, insurance, and
2 guarantees of the Export-Import Bank or its agents.

3 MILITARY COUPS

4 SEC. 7008. None of the funds appropriated or other-
5 wise made available pursuant to titles III through VI of
6 this Act shall be obligated or expended to finance directly
7 any assistance to the government of any country whose
8 duly elected head of government is deposed by military
9 coup or decree: *Provided*, That assistance may be resumed
10 to such government if the President determines and cer-
11 tifies to the Committees on Appropriations that subse-
12 quent to the termination of assistance a democratically
13 elected government has taken office: *Provided further*,
14 That the provisions of this section shall not apply to as-
15 sistance to promote democratic elections or public partici-
16 pation in democratic processes: *Provided further*, That
17 funds made available pursuant to the previous provisos
18 shall be subject to the regular notification procedures of
19 the Committees on Appropriations.

20 TRANSFER AUTHORITY

21 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
22 CASTING BOARD OF GOVERNORS.—Not to exceed 5 per-
23 cent of any appropriation made available for the current
24 fiscal year for the Department of State under title I of
25 this Act may be transferred between such appropriations,

1 but no such appropriation, except as otherwise specifically
2 provided, shall be increased by more than 10 percent by
3 any such transfers: *Provided*, That not to exceed 5 percent
4 of any appropriation made available for the current fiscal
5 year for the Broadcasting Board of Governors under title
6 I of this Act may be transferred between such appropria-
7 tions, but no such appropriation, except as otherwise spe-
8 cifically provided, shall be increased by more than 10 per-
9 cent by any such transfers: *Provided further*, That any
10 transfer pursuant to this section shall be treated as a re-
11 programming of funds under section 7015(a) and (b) of
12 this Act and shall not be available for obligation or ex-
13 penditure except in compliance with the procedures set
14 forth in that section.

15 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
16 Not to exceed 5 percent of any appropriation other than
17 for administrative expenses made available for fiscal year
18 2010, for programs under title VI of this Act may be
19 transferred between such appropriations for use for any
20 of the purposes, programs, and activities for which the
21 funds in such receiving account may be used, but no such
22 appropriation, except as otherwise specifically provided,
23 shall be increased by more than 25 percent by any such
24 transfer: *Provided*, That the exercise of such authority

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

3 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
4 CIES.—

5 (1) None of the funds made available under ti-
6 tles II through V of this Act may be transferred to
7 any department, agency, or instrumentality of the
8 United States Government, except pursuant to a
9 transfer made by, or transfer authority provided in,
10 this Act or any other appropriation Act.

11 (2) Notwithstanding paragraph (1), in addition
12 to transfers made by, or authorized elsewhere in,
13 this Act, funds appropriated by this Act to carry out
14 the purposes of the Foreign Assistance Act of 1961
15 may be allocated or transferred to agencies of the
16 United States Government pursuant to the provi-
17 sions of sections 109, 610, and 632 of the Foreign
18 Assistance Act of 1961.

19 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
20 funds made available under titles II through V of this Act
21 may be obligated under an appropriation account to which
22 they were not appropriated, except for transfers specifi-
23 cally provided for in this Act, unless the President, not
24 less than 5 days prior to the exercise of any authority con-
25 tained in the Foreign Assistance Act of 1961 to transfer

1 funds, consults with and provides a written policy jus-
2 tification to the Committees on Appropriations.

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

16 REPORTING REQUIREMENT

17 SEC. 7010. The Secretary of State shall provide the
18 Committees on Appropriations, not later than April 1,
19 2010, and for each fiscal quarter, a report in writing on
20 the uses of funds made available under the headings “For-
21 eign Military Financing Program”, “International Mili-
22 tary Education and Training”, and “Peacekeeping Oper-
23 ations”: *Provided*, That such report shall include a de-
24 scription of the obligation and expenditure of funds, and

1 the specific country in receipt of, and the use or purpose
2 of the assistance provided by such funds.

3 AVAILABILITY OF FUNDS

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

1 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

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

13 PROHIBITION ON TAXATION OF UNITED STATES

14 ASSISTANCE

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

1 lateral agreements, as necessary, to conform with this re-
2 quirement.

3 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
4 amount equivalent to 200 percent of the total taxes as-
5 sessed during fiscal year 2010 on funds appropriated by
6 this Act by a foreign government or entity against com-
7 modities financed under United States assistance pro-
8 grams for which funds are appropriated by this Act, either
9 directly or through grantees, contractors and subcontrac-
10 tors shall be withheld from obligation from funds appro-
11 priated for assistance for fiscal year 2011 and allocated
12 for the central government of such country and for the
13 West Bank and Gaza program to the extent that the Sec-
14 retary of State certifies and reports in writing to the Com-
15 mittees on Appropriations that such taxes have not been
16 reimbursed to the Government of the United States.

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

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

1 (e) DETERMINATIONS.—

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

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

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

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

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

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

22 (1) the terms “taxes” and “taxation” refer to
23 value added taxes and customs duties imposed on
24 commodities financed with United States assistance

1 for programs for which funds are appropriated by
2 this Act; and

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

14 RESERVATIONS OF FUNDS

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

1 (b) In addition to the authority contained in sub-
2 section (a), the original period of availability of funds ap-
3 propriated by this Act and administered by the United
4 States Agency for International Development that are spe-
5 cifically designated for particular programs or activities by
6 this or any other Act shall be extended for an additional
7 fiscal year if the Administrator of such agency determines
8 and reports promptly to the Committees on Appropria-
9 tions that the termination of assistance to a country or
10 a significant change in circumstances makes it unlikely
11 that such designated funds can be obligated during the
12 original period of availability: *Provided*, That such des-
13 igned funds that continue to be available for an addi-
14 tional fiscal year shall be obligated only for the purpose
15 of such designation.

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

1 REPROGRAMMING NOTIFICATION REQUIREMENTS

2 SEC. 7015. (a) None of the funds made available in
3 title I of this Act, or in prior appropriations Acts to the
4 agencies and departments funded by this Act that remain
5 available for obligation or expenditure in fiscal year 2010,
6 or provided from any accounts in the Treasury of the
7 United States derived by the collection of fees or of cur-
8 rency reflows or other offsetting collections, or made avail-
9 able by transfer, to the agencies and departments funded
10 by this Act, shall be available for obligation or expenditure
11 through a reprogramming of funds that: (1) creates new
12 programs; (2) eliminates a program, project, or activity;
13 (3) increases funds or personnel by any means for any
14 project or activity for which funds have been denied or
15 restricted; (4) relocates an office or employees; (5) closes
16 or opens a mission or post; (6) reorganizes or renames
17 offices; (7) reorganizes programs or activities; or (8) con-
18 tracts out or privatizes any functions or activities pres-
19 ently performed by Federal employees; unless the Commit-
20 tees on Appropriations are notified 15 days in advance of
21 such reprogramming of funds.

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

1 partment funded under title I of this Act that remain
2 available for obligation or expenditure in fiscal year 2010,
3 or provided from any accounts in the Treasury of the
4 United States derived by the collection of fees available
5 to the agency or department funded by title I of this Act,
6 shall be available for obligation or expenditure for activi-
7 ties, programs, or projects through a reprogramming of
8 funds in excess of \$1,000,000 or 10 percent, whichever
9 is less, that: (1) augments existing programs, projects, or
10 activities; (2) reduces by 10 percent funding for any exist-
11 ing program, project, or activity, or numbers of personnel
12 by 10 percent as approved by Congress; or (3) results from
13 any general savings, including savings from a reduction
14 in personnel, which would result in a change in existing
15 programs, activities, or projects as approved by Congress;
16 unless the Committees on Appropriations are notified 15
17 days in advance of such reprogramming of funds.

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

1 Asia”, “Economic Support Fund”, “Democracy Fund”,
2 “Peacekeeping Operations”, “Capital Investment Fund”,
3 “Operating Expenses”, “Civilian Stabilization Initiative”,
4 “Office of Inspector General”, “Nonproliferation, Anti-
5 terrorism, Demining and Related Programs”, “Millen-
6 nium Challenge Corporation”, “Foreign Military Financ-
7 ing Program”, “International Military Education and
8 Training”, “Peace Corps”, and “Migration and Refugee
9 Assistance”, shall be available for obligation for activities,
10 programs, projects, type of materiel assistance, countries,
11 or other operations not justified or in excess of the amount
12 justified to the Committees on Appropriations for obliga-
13 tion under any of these specific headings unless the Com-
14 mittees on Appropriations are previously notified 15 days
15 in advance: *Provided*, That the President shall not enter
16 into any commitment of funds appropriated for the pur-
17 poses of section 23 of the Arms Export Control Act for
18 the provision of major defense equipment, other than con-
19 ventional ammunition, or other major defense items de-
20 fined to be aircraft, ships, missiles, or combat vehicles, not
21 previously justified to Congress or 20 percent in excess
22 of the quantities justified to Congress unless the Commit-
23 tees on Appropriations are notified 15 days in advance of
24 such commitment: *Provided further*, That this subsection
25 shall not apply to any reprogramming for an activity, pro-

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

6 (d) Notwithstanding any other provision of law, funds
7 transferred by the Department of Defense to the Depart-
8 ment of State and the United States Agency for Inter-
9 national Development, and funds made available for pro-
10 grams authorized by section 1206 of the National Defense
11 Authorization Act for Fiscal Year 2006 (Public Law 109–
12 163), shall be subject to the regular notification proce-
13 dures of the Committees on Appropriations.

14 (e) The requirements of this section or any similar
15 provision of this Act or any other Act, including any prior
16 Act requiring notification in accordance with the regular
17 notification procedures of the Committees on Appropria-
18 tions, may be waived if failure to do so would pose a sub-
19 stantial risk to human health or welfare: *Provided*, That
20 in case of any such waiver, notification to the Congress,
21 or the appropriate congressional committees, shall be pro-
22 vided as early as practicable, but in no event later than
23 3 days after taking the action to which such notification
24 requirement was applicable, in the context of the cir-
25 cumstances necessitating such waiver: *Provided further*,

1 That any notification provided pursuant to such a waiver
2 shall contain an explanation of the emergency cir-
3 cumstances.

4 (f) None of the funds appropriated under titles III
5 through VI of this Act shall be obligated or expended for
6 assistance for Serbia, Sudan, Zimbabwe, Pakistan, Do-
7 minican Republic, Cuba, Iran, Haiti, Libya, Ethiopia,
8 Nepal, Colombia, Mexico, Kazakhstan, or Cambodia and
9 countries listed in section 7045(c)(2) and (f)(2) of this
10 Act except as provided through the regular notification
11 procedures of the Committees on Appropriations.

12 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

13 SEC. 7016. Prior to providing excess Department of
14 Defense articles in accordance with section 516(a) of the
15 Foreign Assistance Act of 1961, the Department of De-
16 fense shall notify the Committees on Appropriations to the
17 same extent and under the same conditions as other com-
18 mittees pursuant to subsection (f) of that section: *Pro-*
19 *vided*, That before issuing a letter of offer to sell excess
20 defense articles under the Arms Export Control Act, the
21 Department of Defense shall notify the Committees on
22 Appropriations in accordance with the regular notification
23 procedures of such Committees if such defense articles are
24 significant military equipment (as defined in section 47(9)
25 of the Arms Export Control Act) or are valued (in terms

1 of original acquisition cost) at \$7,000,000 or more, or if
2 notification is required elsewhere in this Act for the use
3 of appropriated funds for specific countries that would re-
4 ceive such excess defense articles: *Provided further*, That
5 such Committees shall also be informed of the original ac-
6 quisition cost of such defense articles.

7 LIMITATION ON AVAILABILITY OF FUNDS FOR

8 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

9 SEC. 7017. Subject to the regular notification proce-
10 dures of the Committees on Appropriations, funds appro-
11 priated under titles III through VI of this Act or any pre-
12 viously enacted Act making appropriations for the Depart-
13 ment of State, foreign operations, and related programs,
14 which are returned or not made available for organizations
15 and programs because of the implementation of section
16 307(a) of the Foreign Assistance Act of 1961, shall re-
17 main available for obligation until September 30, 2011.

18 PROHIBITION ON FUNDING FOR ABORTIONS AND

19 INVOLUNTARY STERILIZATION

20 SEC. 7018. None of the funds made available to carry
21 out part I of the Foreign Assistance Act of 1961, as
22 amended, may be used to pay for the performance of abor-
23 tions as a method of family planning or to motivate or
24 coerce any person to practice abortions. None of the funds
25 made available to carry out part I of the Foreign Assist-

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

17 ALLOCATIONS

18 SEC. 7019. (a) Funds provided in this Act for the
19 following accounts shall be made available for programs
20 and countries in the amounts contained in the respective
21 tables included in the report accompanying this Act:

22 “Civilian Stabilization Initiative”.

23 “Educational and Cultural Exchange Pro-
24 grams”.

25 “International Fisheries Commissions”.

1 “International Broadcasting Operations”.

2 “Global Health and Child Survival”.

3 “Economic Support Fund”.

4 “Assistance for Europe, Eurasia and Central
5 Asia”.

6 “International Narcotics Control and Law En-
7 forcement”.

8 “Nonproliferation, Anti-terrorism, Demining
9 and Related Programs”.

10 “Foreign Military Financing Program”.

11 “Peacekeeping Operations”.

12 “International Organizations and Programs”.

13 (b) For the purposes of implementing this section and
14 only with respect to the tables included in the report ac-
15 companying this Act, the Secretary of State, the Adminis-
16 trator of the United States Agency for International De-
17 velopment and the Broadcasting Board of Governors, as
18 appropriate, may propose deviations to the amounts ref-
19 erenced in subsection (a), subject to the regular notifica-
20 tion procedures of the Committees on Appropriations and
21 section 634A of the Foreign Assistance Act of 1961.

22 (c) The requirements contained in subsection (a)
23 shall apply to the table under the heading “Bilateral Eco-
24 nomic Assistance” in such report.

1 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

2 SEC. 7020. None of the funds appropriated or other-
3 wise made available by this Act under the headings “Inter-
4 national Military Education and Training” or “Foreign
5 Military Financing Program” for Informational Program
6 activities or under the headings “Global Health and Child
7 Survival”, “Development Assistance”, and “Economic
8 Support Fund” may be obligated or expended to pay for—

9 (1) alcoholic beverages; or

10 (2) entertainment expenses for activities that
11 are substantially of a recreational character, includ-
12 ing but not limited to entrance fees at sporting
13 events, theatrical and musical productions, and
14 amusement parks.

15 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
16 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
17 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
18 TERRORISM

19 SEC. 7021. (a) None of the funds appropriated or
20 otherwise made available by titles III through VI of this
21 Act may be available to any foreign government which pro-
22 vides lethal military equipment to a country the govern-
23 ment of which the Secretary of State has determined is
24 a government that supports international terrorism for
25 purposes of section 6(j) of the Export Administration Act

1 of 1979. The prohibition under this section with respect
2 to a foreign government shall terminate 12 months after
3 that government ceases to provide such military equip-
4 ment. This section applies with respect to lethal military
5 equipment provided under a contract entered into after
6 October 1, 1997.

7 (b) Assistance restricted by subsection (a) or any
8 other similar provision of law, may be furnished if the
9 President determines that furnishing such assistance is
10 important to the national interests of the United States.

11 (c) Whenever the President makes a determination
12 pursuant to subsection (b), the President shall submit to
13 the appropriate congressional committees a report with re-
14 spect to the furnishing of such assistance. Any such report
15 shall include a detailed explanation of the assistance to
16 be provided, including the estimated dollar amount of such
17 assistance, and an explanation of how the assistance fur-
18 thers United States national interests.

19 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
20 COUNTRIES

21 SEC. 7022. (a) Funds appropriated for bilateral as-
22 sistance under any heading in titles III through VI of this
23 Act and funds appropriated under any such heading in
24 a provision of law enacted prior to the enactment of this

1 Act, shall not be made available to any country which the
2 President determines—

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

6 (2) otherwise supports international terrorism.

7 (b) The President may waive the application of sub-
8 section (a) to a country if the President determines that
9 national security or humanitarian reasons justify such
10 waiver. The President shall publish each waiver in the
11 Federal Register and, at least 15 days before the waiver
12 takes effect, shall notify the Committees on Appropria-
13 tions of the waiver (including the justification for the waiv-
14 er) in accordance with the regular notification procedures
15 of the Committees on Appropriations.

16 AUTHORIZATION REQUIREMENTS

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

1 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

2 SEC. 7024. For the purpose of titles II through VI
3 of this Act “program, project, and activity” shall be de-
4 fined at the appropriations Act account level and shall in-
5 clude all appropriations and authorizations Acts funding
6 directives, ceilings, and limitations with the exception that
7 for the following accounts: “Economic Support Fund” and
8 “Foreign Military Financing Program”, “program,
9 project, and activity” shall also be considered to include
10 country, regional, and central program level funding with-
11 in each such account; for the development assistance ac-
12 counts of the United States Agency for International De-
13 velopment “program, project, and activity” shall also be
14 considered to include central, country, regional, and pro-
15 gram level funding, either as: (1) justified to the Congress;
16 or (2) allocated by the executive branch in accordance with
17 a report, to be provided to the Committees on Appropria-
18 tions within 30 days of the enactment of this Act, as re-
19 quired by section 653(a) of the Foreign Assistance Act
20 of 1961.

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

23 SEC. 7025. Unless expressly provided to the contrary,
24 provisions of this or any other Act, including provisions
25 contained in prior Acts authorizing or making appropria-

1 tions for the Department of State, foreign operations, and
2 related programs, shall not be construed to prohibit activi-
3 ties authorized by or conducted under the Peace Corps
4 Act, the Inter-American Foundation Act or the African
5 Development Foundation Act. The agency shall promptly
6 report to the Committees on Appropriations whenever it
7 is conducting activities or is proposing to conduct activi-
8 ties in a country for which assistance is prohibited.

9 COMMERCE, TRADE AND SURPLUS COMMODITIES

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

1 United States are likely to outweigh the injury to United
2 States producers of the same, similar, or competing com-
3 modity, and the Chairman of the Board so notifies the
4 Committees on Appropriations.

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

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

19 (2) research activities intended primarily to
20 benefit American producers.

21 (c) The Secretary of the Treasury shall instruct the
22 United States Executive Directors of the International
23 Bank for Reconstruction and Development, the Inter-
24 national Development Association, the International Fi-
25 nance Corporation, the Inter-American Development

1 Bank, the International Monetary Fund, the Asian Devel-
2 opment Bank, the Inter-American Investment Corpora-
3 tion, the North American Development Bank, the Euro-
4 pean Bank for Reconstruction and Development, the Afri-
5 can Development Bank, and the African Development
6 Fund to use the voice and vote of the United States to
7 oppose any assistance by these institutions, using funds
8 appropriated or made available pursuant to titles III
9 through VI of this Act, for the production or extraction
10 of any commodity or mineral for export, if it is in surplus
11 on world markets and if the assistance will cause substan-
12 tial injury to United States producers of the same, similar,
13 or competing commodity.

14 SEPARATE ACCOUNTS

15 SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL
16 CURRENCIES.—

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

1 (A) require that local currencies be depos-
2 ited in a separate account established by that
3 government;

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

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

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

11 (C) establish by agreement with that gov-
12 ernment the responsibilities of the United
13 States Agency for International Development
14 and that government to monitor and account
15 for deposits into and disbursements from the
16 separate account.

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

22 (A) to carry out chapter 1 or 10 of part
23 I or chapter 4 of part II (as the case may be),
24 for such purposes as—

1 (i) project and sector assistance activi-
2 ties; or

3 (ii) debt and deficit financing; or

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

6 (3) PROGRAMMING ACCOUNTABILITY.—The
7 United States Agency for International Development
8 shall take all necessary steps to ensure that the
9 equivalent of the local currencies disbursed pursuant
10 to subsection (a)(2)(A) from the separate account
11 established pursuant to subsection (a)(1) are used
12 for the purposes agreed upon pursuant to subsection
13 (a)(2).

14 (4) TERMINATION OF ASSISTANCE PRO-
15 GRAMS.—Upon termination of assistance to a coun-
16 try under chapter 1 or 10 of part I or chapter 4 of
17 part II (as the case may be), any unencumbered bal-
18 ances of funds which remain in a separate account
19 established pursuant to subsection (a) shall be dis-
20 posed of for such purposes as may be agreed to by
21 the government of that country and the United
22 States Government.

23 (5) REPORTING REQUIREMENT.—The Adminis-
24 trator of the United States Agency for International
25 Development shall report on an annual basis as part

1 of the justification documents submitted to the Com-
2 mittees on Appropriations on the use of local cur-
3 rencies for the administrative requirements of the
4 United States Government as authorized in sub-
5 section (a)(2)(B), and such report shall include the
6 amount of local currency (and United States dollar
7 equivalent) used and/or to be used for such purpose
8 in each applicable country.

9 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

18 (2) APPLICABILITY OF OTHER PROVISIONS OF
19 LAW.—Such funds may be obligated and expended
20 notwithstanding provisions of law which are incon-
21 sistent with the nature of this assistance including
22 provisions which are referenced in the Joint Explan-
23 atory Statement of the Committee of Conference ac-
24 companying House Joint Resolution 648 (House Re-
25 port No. 98–1159).

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

12 (4) EXEMPTION.—Nonproject sector assistance
13 funds may be exempt from the requirements of sub-
14 section (b)(1) only through the regular notification
15 procedures of the Committees on Appropriations.

16 ELIGIBILITY FOR ASSISTANCE

17 SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERN-
18 MENTAL ORGANIZATIONS.—Restrictions contained in this
19 or any other Act with respect to assistance for a country
20 shall not be construed to restrict assistance in support of
21 programs of nongovernmental organizations from funds
22 appropriated by this Act to carry out the provisions of
23 chapters 1, 10, 11, and 12 of part I and chapter 4 of
24 part II of the Foreign Assistance Act of 1961, and from
25 funds appropriated under the heading “Assistance for Eu-

1 rope, Eurasia and Central Asia”: *Provided*, That before
2 using the authority of this subsection to furnish assistance
3 in support of programs of nongovernmental organizations,
4 the President shall notify the Committees on Appropria-
5 tions under the regular notification procedures of those
6 committees, including a description of the program to be
7 assisted, the assistance to be provided, and the reasons
8 for furnishing such assistance: *Provided further*, That
9 nothing in this subsection shall be construed to alter any
10 existing statutory prohibitions against abortion or involun-
11 tary sterilizations contained in this or any other Act.

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

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

23 (1) with respect to section 620A of the Foreign
24 Assistance Act of 1961 or any comparable provision

1 of law prohibiting assistance to countries that sup-
2 port international terrorism; or

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

8 IMPACT ON JOBS IN THE UNITED STATES

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

12 (1) any financial incentive to a business enter-
13 prise currently located in the United States for the
14 purpose of inducing such an enterprise to relocate
15 outside the United States if such incentive or in-
16 ducement is likely to reduce the number of employ-
17 ees of such business enterprise in the United States
18 because United States production is being replaced
19 by such enterprise outside the United States; or

20 (2) assistance for any program, project, or ac-
21 tivity that contributes to the violation of internation-
22 ally recognized workers rights, as defined in section
23 507(4) of the Trade Act of 1974, of workers in the
24 recipient country, including any designated zone or
25 area in that country: *Provided*, That the application

1 of section 507(4)(D) and (E) of such Act should be
2 commensurate with the level of development of the
3 recipient country and sector, and shall not preclude
4 assistance for the informal sector in such country,
5 micro and small-scale enterprise, and smallholder
6 agriculture.

7 INTERNATIONAL FINANCIAL INSTITUTIONS

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

22 (b) The Secretary of the Treasury shall instruct the
23 United States Executive Director at each international fi-
24 nancial institution to oppose any loan, grant, strategy or
25 policy of these institutions that would require user fees

1 or service charges on poor people for primary education
2 or primary healthcare, including prevention, care and
3 treatment for HIV/AIDS, malaria, tuberculosis, and in-
4 fant, child, and maternal well-being, in connection with the
5 institutions' financing programs.

6 (c) The Secretary of the Treasury shall instruct the
7 United States Executive Director of the International
8 Monetary Fund to use the voice and vote of the United
9 States to oppose any loan, project, agreement, memo-
10 randum, instrument, plan, or other program of the Fund
11 to a Heavily Indebted Poor Country that imposes budget
12 caps or restraints that do not allow the maintenance of
13 or an increase in governmental spending on health care
14 or education; and to promote government spending on
15 health care, education, food aid, or other critical safety
16 net programs in all of the Fund's activities with respect
17 to Heavily Indebted Poor Countries.

18 (d) For purposes of this section "international finan-
19 cial institutions" are the International Bank for Recon-
20 struction and Development, the Inter-American Develop-
21 ment Bank, the Asian Development Bank, the Asian De-
22 velopment Fund, the African Development Bank, the Afri-
23 can Development Fund, the International Monetary Fund,
24 the North American Development Bank, and the Euro-
25 pean Bank for Reconstruction and Development.

DEBT-FOR-DEVELOPMENT

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

14 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

17 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
18 CERTAIN LOANS.—Notwithstanding any other provi-
19 sion of law, the President may, in accordance with
20 this section, sell to any eligible purchaser any
21 concessional loan or portion thereof made before
22 January 1, 1995, pursuant to the Foreign Assist-
23 ance Act of 1961, to the government of any eligible
24 country as defined in section 702(6) of that Act or
25 on receipt of payment from an eligible purchaser, re-

1 duce or cancel such loan or portion thereof, only for
2 the purpose of facilitating—

3 (A) debt-for-equity swaps, debt-for-develop-
4 ment swaps, or debt-for-nature swaps; or

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

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

1 (3) ADMINISTRATION.—The Facility, as defined
2 in section 702(8) of the Foreign Assistance Act of
3 1961, shall notify the administrator of the agency
4 primarily responsible for administering part I of the
5 Foreign Assistance Act of 1961 of purchasers that
6 the President has determined to be eligible, and
7 shall direct such agency to carry out the sale, reduc-
8 tion, or cancellation of a loan pursuant to this sec-
9 tion. Such agency shall make adjustment in its ac-
10 counts to reflect the sale, reduction, or cancellation.

11 (4) LIMITATION.—The authorities of this sub-
12 section shall be available only to the extent that ap-
13 propriations for the cost of the modification, as de-
14 fined in section 502 of the Congressional Budget Act
15 of 1974, are made in advance.

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

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

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

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

12 SPECIAL DEBT RELIEF FOR THE POOREST

13 SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The
14 President may reduce amounts owed to the United States
15 (or any agency of the United States) by an eligible country
16 as a result of—

17 (1) guarantees issued under sections 221 and
18 222 of the Foreign Assistance Act of 1961;

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

21 (3) any obligation or portion of such obligation,
22 to pay for purchases of United States agricultural
23 commodities guaranteed by the Commodity Credit
24 Corporation under export credit guarantee programs
25 authorized pursuant to section 5(f) of the Com-

1 modity Credit Corporation Charter Act of June 29,
2 1948, as amended, section 4(b) of the Food for
3 Peace Act of 1966, as amended (Public Law 89–
4 808), or section 202 of the Agricultural Trade Act
5 of 1978, as amended (Public Law 95–501).

6 (b) LIMITATIONS.—

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

11 (2) The authority provided by subsection (a)
12 may be exercised only in such amounts or to such
13 extent as is provided in advance by appropriations
14 Acts.

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

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

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

3 (2) has not repeatedly provided support for acts
4 of international terrorism;

5 (3) is not failing to cooperate on international
6 narcotics control matters;

7 (4) (including its military or other security
8 forces) does not engage in a consistent pattern of
9 gross violations of internationally recognized human
10 rights; and

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

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

18 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
19 duction of debt pursuant to subsection (a) shall not be
20 considered assistance for the purposes of any provision of
21 law limiting assistance to a country. The authority pro-
22 vided by subsection (a) may be exercised notwithstanding
23 section 620(r) of the Foreign Assistance Act of 1961 or
24 section 321 of the International Development and Food
25 Assistance Act of 1975.

SPECIAL AUTHORITIES

1
2 SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN,
3 LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED
4 CHILDREN, AND DISPLACED BURMESE.—Funds appro-
5 priated under titles III through VI of this Act that are
6 made available for assistance for Afghanistan may be
7 made available notwithstanding section 7012 of this Act
8 or any similar provision of law and section 660 of the For-
9 eign Assistance Act of 1961, and funds appropriated in
10 titles III and VI of this Act that are made available for
11 Iraq, Lebanon, Montenegro, Pakistan, and for victims of
12 war, displaced children, and displaced Burmese, and to as-
13 sist victims of trafficking in persons and, subject to the
14 regular notification procedures of the Committees on Ap-
15 propriations, to combat such trafficking, may be made
16 available notwithstanding any other provision of law.

17 (b)(1) WAIVER.—The President may waive the provi-
18 sions of section 1003 of Public Law 100–204 if the Presi-
19 dent determines and certifies in writing to the Speaker
20 of the House of Representatives and the President pro
21 tempore of the Senate that it is important to the national
22 security interests of the United States.

23 (2) PERIOD OF APPLICATION OF WAIVER.—Any
24 waiver pursuant to paragraph (1) shall be effective for no

1 more than a period of 6 months at a time and shall not
2 apply beyond 12 months after the enactment of this Act.

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

10 (d) VIETNAMESE REFUGEES.—Section 594(a) of the
11 Foreign Operations, Export Financing, and Related Pro-
12 grams Appropriations Act, 2005 (enacted as division D
13 of Public Law 108–447; 118 Stat. 3038) is amended by
14 striking “2010” and inserting “2011”.

15 (e) RECONSTITUTING CIVILIAN POLICE AUTHOR-
16 ITY.—In providing assistance with funds appropriated by
17 this Act under section 660(b)(6) of the Foreign Assistance
18 Act of 1961, support for a nation emerging from insta-
19 bility may be deemed to mean support for regional, dis-
20 trict, municipal, or other sub-national entity emerging
21 from instability, as well as a nation emerging from insta-
22 bility.

23 (f) INTERNATIONAL PRISON CONDITIONS.—Funds
24 appropriated by this Act to carry out the provisions of
25 chapters 1 and 11 of part I and chapter 4 of part II of

1 the Foreign Assistance Act of 1961, and the Support for
2 East European Democracy (SEED) Act of 1989, shall be
3 made available notwithstanding section 660 of the Foreign
4 Assistance Act of 1961 for assistance to address inhumane
5 conditions in prisons and other detention facilities admin-
6 istered by foreign governments that the Secretary of State
7 determines are making efforts to address, among other
8 things, prisoners' health, sanitation, nutrition and other
9 basic needs.

10 (g) EXTENSION OF AUTHORITY.—The Foreign Oper-
11 ations, Export Financing, and Related Programs Appro-
12 priations Act, 1990 (Public Law 101–167) is amended—

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

14 (A) in subsection (b)(3), by striking “and
15 2009” and inserting “2009, and 2010”; and

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

18 (2) in section 599E (8 U.S.C. 1255 note) in
19 subsection (b)(2), by striking “2009” and inserting
20 “2010”.

21 (h) WORLD FOOD PROGRAM.—Of the funds managed
22 by the Bureau for Democracy, Conflict, and Humanitarian
23 Assistance of the United States Agency for International
24 Development, from this or any other Act, not less than
25 \$10,000,000 shall be made available as a general contribu-

1 tion to the World Food Program, notwithstanding any
2 other provision of law.

3 (i) DISARMAMENT, DEMOBILIZATION AND RE-
4 INTEGRATION.—Notwithstanding any other provision of
5 law, regulation or Executive order, funds appropriated by
6 this Act and prior Acts making appropriations for the De-
7 partment of State, foreign operations, and related pro-
8 grams under the headings “Economic Support Fund”,
9 “Peacekeeping Operations”, “International Disaster As-
10 sistance”, and “Transition Initiatives” should be made
11 available to support programs to disarm, demobilize, and
12 reintegrate into civilian society former members of foreign
13 terrorist organizations: *Provided*, That the Secretary of
14 State shall consult with the Committees on Appropriations
15 prior to the obligation of funds pursuant to this sub-
16 section: *Provided further*, That for the purposes of this
17 subsection the term “foreign terrorist organization”
18 means an organization designated as a terrorist organiza-
19 tion under section 219 of the Immigration and Nationality
20 Act.

21 (j) PROGRAM FOR RESEARCH AND TRAINING ON
22 EASTERN EUROPE AND THE INDEPENDENT STATES OF
23 THE FORMER SOVIET UNION.—Of the funds appropriated
24 by this Act under the heading, “Economic Support Fund”,
25 not less than \$5,000,000 shall be made available to carry

1 out the Program for Research and Training on Eastern
2 Europe and the Independent States of the Former Soviet
3 Union (title VIII) as authorized by the Soviet-Eastern Eu-
4 ropean Research and Training Act of 1983 (22 U.S.C.
5 4501–4508, as amended).

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

10 (l) INTERPARLIAMENTARY EXCHANGES.—Of the un-
11 obligated funds in the “Educational and Cultural Ex-
12 change Programs” appropriation account, \$411,687 shall
13 be transferred to the permanent appropriation for delega-
14 tion expenses provided under Section 303 of the Depart-
15 ments of Commerce, Justice, and State, the Judiciary, and
16 Related Agencies Appropriations Act, 1988, as enacted
17 into law by section 101(a) of Public Law 100–202 (22
18 USC 276e note), for the purpose of conducting Inter-
19 parliamentary Exchanges and shall remain available until
20 expended.

21 ARAB LEAGUE BOYCOTT OF ISRAEL

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

23 (1) the Arab League boycott of Israel, and the
24 secondary boycott of American firms that have com-
25 mercial ties with Israel, is an impediment to peace

1 in the region and to United States investment and
2 trade in the Middle East and North Africa;

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

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

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

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

PALESTINIAN STATEHOOD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 RESTRICTIONS CONCERNING THE PALESTINIAN
7 AUTHORITY

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

1 cers and employees of the United States Government may
2 continue to meet in Jerusalem on other subjects with Pal-
3 estinians (including those who now occupy positions in the
4 Palestinian Authority), have social contacts, and have inci-
5 dental discussions.

6 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
7 BROADCASTING CORPORATION

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

13 ASSISTANCE FOR THE WEST BANK AND GAZA

14 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2010,
15 30 days prior to the initial obligation of funds for the bi-
16 lateral West Bank and Gaza Program, the Secretary of
17 State shall certify to the Committees on Appropriations
18 that procedures have been established to assure the Comp-
19 troller General of the United States will have access to
20 appropriate United States financial information in order
21 to review the uses of United States assistance for the Pro-
22 gram funded under the heading “Economic Support
23 Fund” for the West Bank and Gaza.

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

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

19 (c) PROHIBITION.—

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

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

11 (d) AUDITS.—

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

20 (2) Of the funds appropriated by this Act up to
21 \$500,000 may be used by the Office of the Inspector
22 General of the United States Agency for Inter-
23 national Development for audits, inspections, and
24 other activities in furtherance of the requirements of

1 this subsection. Such funds are in addition to funds
2 otherwise available for such purposes.

3 (e) Subsequent to the certification specified in sub-
4 section (a), the Comptroller General of the United States
5 shall conduct an audit and an investigation of the treat-
6 ment, handling, and uses of all funds for the bilateral
7 West Bank and Gaza Program, including all funds pro-
8 vided as cash transfer assistance, in fiscal year 2010
9 under the heading “Economic Support Fund”. The audit
10 shall address—

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

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

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

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

1 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN
2 AUTHORITY

3 SEC. 7040. (a) PROHIBITION OF FUNDS.—None of
4 the funds appropriated by this Act to carry out the provi-
5 sions of chapter 4 of part II of the Foreign Assistance
6 Act of 1961 may be obligated or expended with respect
7 to providing funds to the Palestinian Authority.

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

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

18 (d) REPORT.—Whenever the waiver authority pursu-
19 ant to subsection (b) is exercised, the President shall sub-
20 mit a report to the Committees on Appropriations detail-
21 ing the justification for the waiver, the purposes for which
22 the funds will be spent, and the accounting procedures in
23 place to ensure that the funds are properly disbursed. The
24 report shall also detail the steps the Palestinian Authority

1 has taken to arrest terrorists, confiscate weapons and dis-
2 mantle the terrorist infrastructure.

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

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

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

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

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

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

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

1 (5) None of the funds appropriated under titles
2 III through VI of this Act may be obligated for as-
3 sistance for the Palestine Liberation Organization.

4 SAUDI ARABIA

5 SEC. 7041. None of the funds made available in this
6 Act may be obligated or expended to finance any assist-
7 ance to Saudi Arabia.

8 IRAQ

9 SEC. 7042. (a) MATCHING REQUIREMENT.—Funds
10 appropriated in this Act for assistance for Iraq shall be
11 made available in accordance with the Department of
12 State’s April 9, 2009, “Guidelines for Government of Iraq
13 Financial Participation in United States Government-
14 Funded Civilian Foreign Assistance Programs and
15 Projects”.

16 (b) BASE RIGHTS.—None of the funds made avail-
17 able in this Act may be used by the Government of the
18 United States to enter into a permanent basing rights
19 agreement between the United States and Iraq.

20 IRAN

21 SEC. 7043. (a) DIPLOMACY WITH IRAN.—Not later
22 than 90 days after the enactment of this Act and every
23 90 days thereafter, the Secretary of State shall report to
24 the Committees on Appropriations, in classified form if
25 necessary, on the status and progress of diplomatic efforts

1 aimed at curtailing the pursuit by Iran of nuclear weapons
2 technology.

3 (b) LIMITATION ON THE USE OF FUNDS BY THE EX-
4 PORT-IMPORT BANK RELATED TO IRAN.—None of the
5 funds made available in title VI under the headings “Pro-
6 gram Account” and “Subsidy Appropriation” may be used
7 by the Export-Import Bank of the United States to guar-
8 antee, insure, or extend credit for any project controlled
9 by an energy producer or refiner that provides the Islamic
10 Republic of Iran with significant refined petroleum re-
11 sources, that materially contributes to Iran’s capability to
12 import refined petroleum resources, or that allows Iran to
13 maintain or expand, in any material respect, its domestic
14 production of refined petroleum resources, including any
15 assistance in refinery construction, modernization, or re-
16 pair.

17 (c) SANCTIONS REPORT.—Not later than 90 days
18 after enactment of this Act, the Secretary of State shall
19 submit a report to the Committees on Appropriations on
20 the status of multilateral and bilateral United States sanc-
21 tions against Iran and actions taken by the United States
22 and the international community to enforce sanctions
23 against Iran. The report, which may be submitted in clas-
24 sified form if necessary, shall include the following:

1 (1) A list of all current United States bilateral
2 and multilateral sanctions against Iran.

3 (2) A list of all United States and foreign reg-
4 istered entities which the Secretary of State has rea-
5 son to believe may be in violation of existing United
6 States bilateral and multilateral sanctions.

7 (3) A detailed description of United States ef-
8 forts to enforce sanctions, including a list of all in-
9 vestigations initiated in the 12 months preceding the
10 enactment of this Act that have resulted in a deter-
11 mination that a sanctions violation has occurred and
12 United States government actions taken pursuant to
13 the determination.

14 (4) In the instances when sanctions were
15 waived or otherwise not imposed against entities
16 that were determined to have violated United States
17 bilateral or multilateral sanctions, the reason in each
18 instance of why action was not taken to sanction the
19 entity.

20 (5) A description of United States diplomatic
21 efforts to expand bilateral and multilateral sanctions
22 against Iran and strengthen international efforts to
23 enforce existing sanctions.

LEBANON

1
2 SEC. 7044. (a) Funds appropriated under the head-
3 ing “Foreign Military Financing Program” in this Act for
4 assistance for Lebanon shall be made available only to pro-
5 fessionalize the Lebanese Armed Forces and to strengthen
6 border security and combat terrorism, including training
7 and equipping the Lebanese Armed Forces to secure Leb-
8 anon’s borders, interdicting arms shipments, preventing
9 the use of Lebanon as a safe haven for terrorist groups
10 and implementing United Nations Security Council Reso-
11 lution 1701.

12 (b) None of the funds in subsection (a) may be made
13 available for obligation until after the Secretary of State
14 provides the Committees on Appropriations a detailed
15 spending plan, which shall include a strategy for profes-
16 sionalizing the Lebanese Armed Forces, strengthening
17 border security and combating terrorism in Lebanon.

WESTERN HEMISPHERE

18
19 SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the
20 funds appropriated by this Act not less than \$10,000,000
21 from “Development Assistance” and not less than
22 \$10,000,000 from “Economic Support Fund” shall be
23 made available for labor and environmental capacity build-
24 ing activities relating to the free trade agreements with

1 countries of Central America, Peru and the Dominican
2 Republic.

3 (b) ASSISTANCE FOR HAITI.—

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

8 (2) Of the funds appropriated by this Act under
9 titles III and IV, not less than \$300,000,000 shall
10 be made available for assistance for Haiti.

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

24 (c) CARIBBEAN BASIN SECURITY INITIATIVE.—Of
25 the funds appropriated under the headings “Development

1 Assistance”, “Economic Support Fund”, “International
2 Narcotics Control and Law Enforcement”, and “Foreign
3 Military Financing Program” in this Act, up to
4 \$37,000,000 may be made available to provide equipment
5 and training for counternarcotics forces to combat drug
6 trafficking and related violence and organized crime, and
7 for judicial reform, institution building, education, anti-
8 corruption, rule of law activities, and maritime security,
9 of which not less than \$21,100,000 shall be made available
10 for social justice and education programs to include voca-
11 tional training, workforce development and juvenile justice
12 activities: *Provided*, That none of the funds made available
13 under this subsection shall be made available for budget
14 support or as cash payments.

15 (1) SPENDING PLAN.—Not later than 45 days
16 after the date of the enactment of this Act, the Sec-
17 retary of State shall submit to the Committees on
18 Appropriations a detailed spending plan for funds
19 appropriated or otherwise made available for the
20 countries of the Caribbean Basin by this Act, with
21 concrete goals, actions to be taken, budget pro-
22 posals, and anticipated results.

23 (2) DEFINITION.—For the purposes of this sub-
24 section, the term “countries of the Caribbean Basin”
25 means Antigua and Barbuda, The Bahamas, Bar-

1 bados, Belize, Dominica, Dominican Republic, Gre-
2 nada, Guyana, Haiti, Jamaica, St. Kitts and Nevis,
3 Saint Lucia, St. Vincent and the Grenadines,
4 Suriname, and Trinidad and Tobago.

5 (d) ASSISTANCE FOR GUATEMALA.—

6 (1) Of the funds appropriated by this Act under
7 the heading “International Narcotics Control and
8 Law Enforcement” not less than \$3,000,000 shall
9 be made available for a United States contribution
10 to the International Commission Against Impunity
11 in Guatemala (CICIG).

12 (2) Funds appropriated by this Act under the
13 heading “International Military Education and
14 Training” (IMET) that are available for assistance
15 for Guatemala, other than for expanded IMET, may
16 be made available only for the Guatemalan Air
17 Force, Navy and Army Corps of Engineers: *Pro-*
18 *vided*, That assistance for the Army Corps of Engi-
19 neers shall only be available for training to improve
20 disaster response capabilities and to participate in
21 international peacekeeping operations: *Provided fur-*
22 *ther*, That such funds may be made available only if
23 the Secretary of State certifies that the Air Force,
24 Navy and Army Corps of Engineers are respecting
25 internationally recognized human rights and cooper-

1 ating with civilian judicial investigations and pros-
2 ecutions of current and retired military personnel
3 who have been credibly alleged to have committed
4 violations of such rights, and with the CICIG by
5 granting access to CICIG personnel, providing evi-
6 dence to CICIG, and allowing witness testimony.

7 (3) Of the funds appropriated by this Act under
8 the heading “Foreign Military Financing Program”,
9 not more than \$1,000,000 may be made available
10 for the Guatemalan Air Force, Navy and Army
11 Corps of Engineers: *Provided*, That assistance for
12 the Army Corps of Engineers shall only be available
13 for training to improve disaster response capabilities
14 and to participate in international peacekeeping op-
15 erations: *Provided further*, That such funds may be
16 made available only if the Secretary of State certifies
17 that the Air Force, Navy and Army Corps of Engi-
18 neers are respecting internationally recognized
19 human rights and cooperating with civilian judicial
20 investigations and prosecutions of current and re-
21 tired military personnel who have been credibly al-
22 leged to have committed violations of such rights, in-
23 cluding protecting and providing to the Attorney
24 General’s office all military archives pertaining to
25 the internal armed conflict, and cooperating with the

1 CICIG by granting access to CICIG personnel, pro-
2 viding evidence to CICIG, and allowing witness testi-
3 mony.

4 (e) ASSISTANCE FOR MEXICO.—

5 (1) ASSISTANCE.—Of the funds appropriated
6 under the headings “International Narcotics Control
7 and Law Enforcement”, “Foreign Military Financ-
8 ing Program”, and “Economic Support Fund” in
9 this Act, not more than \$235,825,000 may be made
10 available for assistance for Mexico, only to combat
11 drug trafficking and related violence and organized
12 crime, and for judicial reform, institution building,
13 anti-corruption, and rule of law activities: *Provided*,
14 That none of the funds made available under this
15 subsection shall be made available for budget sup-
16 port or as cash payments.

17 (2) APPLICABILITY OF FISCAL YEAR 2009 PRO-
18 VISIONS.—The provisions of paragraphs (1) through
19 (3) of section 7045(e) of the Department of State,
20 Foreign Operations, and Related Programs Appro-
21 priations Act, 2009 (division H of Public Law 111–
22 8) shall apply to funds appropriated or otherwise
23 made available by this Act for assistance for Mexico
24 to the same extent and in the same manner as such
25 provisions of law applied to funds appropriated or

1 otherwise made available by such other Act for as-
2 sistance for Mexico.

3 (f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL
4 AMERICA.—Of the funds appropriated under the headings
5 “International Narcotics Control and Law Enforcement”,
6 and “Foreign Military Financing Program”, \$83,000,000
7 may be made available for assistance for the countries of
8 Central America only to combat drug trafficking and re-
9 lated violence and organized crime, and for judicial re-
10 form, institution building, anti-corruption, rule of law ac-
11 tivities, and maritime security: *Provided*, That none of the
12 funds made available under this subsection shall be made
13 available for budget support or as cash payments.

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

1 emergency circumstances, including undertaking res-
2 cue operations: *Provided*, That assistance made
3 available in prior Acts for the Government of Colom-
4 bia to protect the Cano-Limon pipeline may also be
5 used for purposes for which funds are made avail-
6 able under the heading “International Narcotics
7 Control and Law Enforcement”: *Provided further*,
8 That no United States Armed Forces personnel or
9 United States civilian contractor employed by the
10 United States will participate in any combat oper-
11 ation in connection with assistance made available
12 by this Act for Colombia: *Provided further*, That ro-
13 tary and fixed wing aircraft supported with funds
14 appropriated under the heading “International Nar-
15 cotics Control and Law Enforcement” for assistance
16 for Colombia may be used for aerial or manual drug
17 eradication and interdiction including to transport
18 personnel and supplies and to provide security for
19 such operations, and to provide transport in support
20 of alternative development programs and investiga-
21 tions of cases under the jurisdiction of the Attorney
22 General, the Procuraduria General de la Nacion, and
23 the Defensoria del Pueblo: *Provided further*, That
24 the President shall ensure that if any helicopter pro-
25 cured with funds in this Act or prior Acts making

1 appropriations for the Department of State, foreign
2 operations, and related programs, is used to aid or
3 abet the operations of any illegal self-defense group,
4 paramilitary organization, illegal security cooperative
5 or successor organizations in Colombia, such heli-
6 copter shall be immediately returned to the United
7 States.

8 (2) Of the funds available under the heading
9 “International Narcotics Control and Law Enforce-
10 ment” in this Act for the Colombian national police
11 for the procurement of chemicals for aerial coca and
12 poppy eradication programs, not more than 20 per-
13 cent of such funds may be made available for such
14 eradication programs unless the Secretary of State
15 certifies to the Committees on Appropriations that:
16 (1) the herbicide is being used in accordance with
17 EPA label requirements for comparable use in the
18 United States and with Colombian laws; and (2) the
19 herbicide, in the manner it is being used, does not
20 pose unreasonable risks or adverse effects to humans
21 or the environment, including endemic species: *Pro-*
22 *vided*, That such funds may not be made available
23 unless the Secretary of State certifies to the Com-
24 mittees on Appropriations that complaints of harm
25 to health or licit crops caused by such aerial eradi-

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

1 (c) APPLICABILITY OF FISCAL YEAR 2009 PROVI-
2 SIONS.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), the provisions of subsections (b) through
5 (f) of section 7046 of the Department of State, For-
6 eign Operations, and Related Programs Appropria-
7 tions Act, 2009 (division H of Public Law 111–8)
8 shall apply to funds appropriated or otherwise made
9 available by this Act for assistance for Colombia to
10 the same extent and in the same manner as such
11 provisions of law applied to funds appropriated or
12 otherwise made available by such other Act for as-
13 sistance for Colombia.

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

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

21 “(iv) That the Government of Colom-
22 bia is respecting the rights of human
23 rights defenders, journalists, trade union-
24 ists, political opposition and religious lead-
25 ers, and indigenous and Afro-Colombian

1 communities, and the Colombian Armed
2 Forces are implementing procedures to dis-
3 tinguish between civilians, including dis-
4 placed persons, and combatants in their
5 operations.”.

6 (B) Subsection (b)(2) is amended by strik-
7 ing “July 31, 2009” and inserting “July 31,
8 2010”.

9 (C) Subsection (b)(3) is amended by strik-
10 ing “Andean Counterdrug Programs” and in-
11 sserting “International Narcotics Control and
12 Law Enforcement”.

13 (D) Subsection (c) is amended by striking
14 “September 30, 2009” and inserting “Sep-
15 tember 30, 2010”.

16 (E) Subsection (d)(1) is amended—

17 (i) by striking “\$16,769,000” and in-
18 sserting “\$18,606,000”; and

19 (ii) by striking “fiscal year 2009” and
20 inserting “fiscal year 2010”.

21 COMMUNITY-BASED POLICE ASSISTANCE

22 SEC. 7047. (a) AUTHORITY.—Funds made available
23 by titles III and IV of this Act to carry out the provisions
24 of chapter 1 of part I and chapters 4 and 6 of part II
25 of the Foreign Assistance Act of 1961, may be used, not-

1 withstanding section 660 of that Act, to enhance the effec-
2 tiveness and accountability of civilian police authority
3 through training and technical assistance in human rights,
4 the rule of law, anti-corruption, strategic planning, and
5 through assistance to foster civilian police roles that sup-
6 port democratic governance including assistance for pro-
7 grams to prevent conflict, respond to disasters, address
8 gender-based violence, and foster improved police relations
9 with the communities they serve.

10 (b) NOTIFICATION.—Assistance provided under sub-
11 section (a) shall be subject to prior consultation with, and
12 the regular notification procedures of, the Committees on
13 Appropriations.

14 PROHIBITION OF PAYMENTS TO UNITED NATIONS

15 MEMBERS

16 SEC. 7048. None of the funds appropriated or made
17 available pursuant to titles III through VI of this Act for
18 carrying out the Foreign Assistance Act of 1961, may be
19 used to pay in whole or in part any assessments, arrear-
20 ages, or dues of any member of the United Nations or,
21 from funds appropriated by this Act to carry out chapter
22 1 of part I of the Foreign Assistance Act of 1961, the
23 costs for participation of another country's delegation at
24 international conferences held under the auspices of multi-
25 lateral or international organizations.

1 WAR CRIMES TRIBUNALS DRAWDOWN

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

19 PEACEKEEPING MISSIONS

20 SEC. 7050. None of the funds made available under
21 title I of this Act may be used for any United Nations
22 undertaking when it is made known to the Federal official
23 having authority to obligate or expend such funds that:
24 (1) the United Nations undertaking is a peacekeeping mis-
25 sion; (2) such undertaking will involve United States

1 Armed Forces under the command or operational control
2 of a foreign national; and (3) the President's military advi-
3 sors have not submitted to the President a recommenda-
4 tion that such involvement is in the national interests of
5 the United States and the President has not submitted
6 to the Congress such a recommendation.

7 PEACEKEEPING ASSESSMENT

8 SEC. 7051. Section 404(b)(2)(B) of the Foreign Re-
9 lations Authorization Act, Fiscal Years 1994 and 1995,
10 (22 U.S.C. 287e note) is amended by striking clause (v)
11 and inserting in lieu thereof:

12 “(v) For assessments made during
13 each of the calendar years 2005, 2006,
14 2007, 2008, 2009, and 2010, 27.1 per-
15 cent.”.

16 UNITED NATIONS HUMAN RIGHTS COUNCIL

17 SEC. 7052. The Secretary of State shall report to the
18 Committees on Appropriations not later than 30 days
19 after the date of enactment of this Act, and every 90 days
20 thereafter until September 30, 2010, on the resolutions
21 proposed and adopted in the United Nations Human
22 Rights Council: *Provided*, That the report shall include a
23 summary of each proposed and adopted resolution; the
24 sponsor and a record of how member nations voted.

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 PARKING FINES AND REAL PROPERTY TAXES OWED BY
2 FOREIGN GOVERNMENTS

3 SEC. 7055. (a) Subject to subsection (c), of the funds
4 appropriated under titles III through VI by this Act that
5 are made available for assistance for a foreign country,
6 an amount equal to 110 percent of the total amount of
7 the unpaid fully adjudicated parking fines and penalties
8 and unpaid property taxes owed by the central government
9 of such country shall be withheld from obligation for as-
10 sistance for the central government of such country until
11 the Secretary of State submits a certification to the Com-
12 mittees on Appropriations stating that such parking fines
13 and penalties and unpaid property taxes are fully paid.

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

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

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,
17 in 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 have a 99 percent or higher functioning rate; and

11 (2) the agreement applicable to the assistance,
12 transfer, or sale of the cluster munitions or cluster
13 munitions technology specifies that the cluster muni-
14 tions will only be used against clearly defined mili-
15 tary targets and will not be used where civilians are
16 known to be present.

17 LIMITATION ON RESIDENCE EXPENSES

18 SEC. 7057. Of the funds appropriated or made avail-
19 able pursuant to title II of this Act, not to exceed
20 \$100,500 shall be for official residence expenses of the
21 United States Agency for International Development dur-
22 ing the current fiscal year: *Provided*, That appropriate
23 steps shall be taken to assure that, to the maximum extent
24 possible, United States-owned foreign currencies are uti-
25 lized in lieu of dollars.

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

4 SEC. 7058. (a) AUTHORITY.—Up to \$93,000,000 of
5 the funds made available in title III of this Act to carry
6 out the provisions of part I of the Foreign Assistance Act
7 of 1961, including funds appropriated under the heading
8 “Assistance for Europe, Eurasia and Central Asia”, may
9 be used by the United States Agency for International De-
10 velopment (USAID) to hire and employ individuals in the
11 United States and overseas on a limited appointment basis
12 pursuant to the authority of sections 308 and 309 of the
13 Foreign Service Act of 1980.

14 (b) RESTRICTIONS.—

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

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

21 (c) CONDITIONS.—The authority of subsection (a)
22 may only be used to the extent that an equivalent number
23 of positions that are filled by personal services contractors
24 or other non-direct hire employees of USAID, who are
25 compensated with funds appropriated to carry out part I

1 of the Foreign Assistance Act of 1961, including funds
2 appropriated under the heading “Assistance for Europe,
3 Eurasia and Central Asia”, are eliminated.

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

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

13 (f) PROGRAM ACCOUNT CHARGED.—The account
14 charged for the cost of an individual hired and employed
15 under the authority of this section shall be the account
16 to which such individual’s responsibilities primarily relate.
17 Funds made available to carry out this section may be
18 transferred to, and merged with, funds appropriated by
19 this Act in title II under the heading “Operating Ex-
20 penses”.

21 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
22 viduals hired and employed by USAID, with funds made
23 available in this Act or prior Acts making appropriations
24 for the Department of State, foreign operations, and re-
25 lated programs, pursuant to the authority of section 309

1 of the Foreign Service Act of 1980, may be extended for
2 a period of up to 4 years notwithstanding the limitation
3 set forth in such section.

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

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

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

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

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

11 (I) HIRING AUTHORITY.—Notwithstanding section
12 307 of the Foreign Service Act of 1980, the USAID Ad-
13 ministrator may hire up to 30 individuals under the Devel-
14 opment Leadership Initiative: *Provided*, That the author-
15 ity contained in this subsection shall expire on September
16 30, 2011.

17 GLOBAL HEALTH ACTIVITIES

18 SEC. 7059. Funds appropriated by titles III and IV
19 of this Act that are made available for bilateral assistance
20 for child survival activities or disease programs including
21 activities relating to research on, and the prevention,
22 treatment and control of, HIV/AIDS may be made avail-
23 able notwithstanding any other provision of law except for
24 the provisions under the heading “Global Health and
25 Child Survival” and the United States Leadership Against

1 HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117
2 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*,
3 That of the funds appropriated under title III of this Act,
4 not less than \$648,457,000 should be made available for
5 family planning/reproductive health, including in areas
6 where population growth threatens biodiversity or endan-
7 gered species.

8 DEVELOPMENT GRANTS PROGRAM

9 SEC. 7060. Of the funds appropriated in title III of
10 this Act, not less than \$40,000,000 shall be made avail-
11 able for the Development Grants Program established pur-
12 suant to section 674 of the Department of State, Foreign
13 Operations, and Related Programs Appropriations Act,
14 2008 (division J of Public Law 110–161) and of which,
15 \$15,000,000 shall be for grants for organizations focused
16 on building women’s leadership capacity, addressing wom-
17 en’s unique development needs, or directly benefitting
18 women and girls: *Provided*, That funds made available
19 under this section are in addition to other funds available
20 for such purposes including funds designated by this Act
21 by section 7064.

22 WOMEN IN DEVELOPMENT

23 SEC. 7061. (a) Programs funded under title III of
24 this Act shall include, where appropriate, gender consider-

1 ations in the planning, assessment, implementation, moni-
2 toring and evaluation of such programs.

3 (b) Funds made available under title III of this Act
4 shall be made available to support programs to enhance
5 economic opportunities for poor women in developing
6 countries, including increasing the number and capacity
7 of women-owned enterprises, improving property rights for
8 women, increasing access to financial services, and im-
9 proving women's ability to participate in the global econ-
10 omy, including expanding their access to markets.

11 (c) Funds made available under title III of this Act
12 for food security and agricultural development shall take
13 into consideration the unique needs of women in agri-
14 culture development and technical assistance for women
15 farmers should be a priority.

16 GENDER-BASED VIOLENCE

17 SEC. 7062. (a) Funds appropriated under the head-
18 ings "Development Assistance" and "Economic Support
19 Fund" in this Act shall be made available for programs
20 to address sexual and gender-based violence.

21 (b) Programs and activities funded under titles III
22 and IV of this Act that provide training for foreign police,
23 judicial, and military officials shall address, where appro-
24 priate, gender-based violence.

EDUCATION

SEC. 7063. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act, not less than \$1,000,000,000 should be made available for assistance for basic education, of which not less than \$365,000,000 shall be made available under the heading “Development Assistance”.

(2) There shall continue to be a Coordinator of United States Government basic education assistance in developing countries as established in section 664 of division J of Public Law 110–161.

(3) The United States Agency for International Development (USAID) shall ensure that programs supported by funding appropriated for basic education in this Act, and prior Acts, are fully integrated with other health, agriculture and economic development funding. Programs should provide access to a quality education and funding from other accounts should be integrated into the economic and social needs of the broader community. Schools supported by funding in this Act and in prior Acts should serve as “Communities of Learning” and should be the focal point for health, education and development activities.

1 (4) USAID shall ensure that pilot programs im-
2 plemented pursuant to section 664 of division J of
3 Public Law 110–161 include “Communities of
4 Learning” in the 5-year strategic plans.

5 (b) HIGHER EDUCATION.—Of the funds appropriated
6 by title III of this Act, not less than \$200,000,000 should
7 be made available for assistance for higher education, of
8 which not less than \$20,000,000 shall be made available
9 to expand higher education activities in Africa.

10 RECONCILIATION PROGRAMS

11 SEC. 7064. Of the funds appropriated by title III of
12 this Act under the headings “Economic Support Fund”
13 and “Development Assistance”, \$27,000,000 shall be
14 made available to support people to people reconciliation
15 programs which bring together individuals of different eth-
16 nic, religious and political backgrounds from areas of civil
17 conflict and war, of which \$11,000,000 shall be made
18 available to support programs in the Middle East: *Pro-*
19 *vided*, That the Administrator of the United States Agen-
20 cy for International Development shall consult with the
21 Committees on Appropriations, prior to the initial obliga-
22 tion of funds, on the most effective uses of such funds.

23 COMPREHENSIVE EXPENDITURES REPORT

24 SEC. 7065. Not later than 180 days after the date
25 of enactment of this Act, the Secretary of State shall sub-

1 mit a report to the Committees on Appropriations detail-
2 ing the total amount of United States Government ex-
3 penditures in fiscal years 2008 and 2009, by Federal
4 agency, for assistance programs and activities in each for-
5 eign country, identifying the line item as presented in the
6 President's Budget Appendix and the purpose for which
7 the funds were provided: *Provided*, That if required, infor-
8 mation may be submitted in classified form.

9 REQUESTS FOR DOCUMENTS

10 SEC. 7066. None of the funds appropriated or made
11 available pursuant to titles III through VI of this Act shall
12 be available to a nongovernmental organization, including
13 any contractor, which fails to provide upon timely request
14 any document, file, or record necessary to the auditing re-
15 quirements of the United States Agency for International
16 Development.

17 SENIOR POLICY OPERATING GROUP

18 SEC. 7067. (a) The Senior Policy Operating Group
19 on Trafficking in Persons, established under section
20 105(f) of the Victims of Trafficking and Violence Protec-
21 tion Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency
22 activities regarding policies (including grants and grant
23 policies) involving the international trafficking in persons,
24 shall coordinate all such policies related to the activities
25 of traffickers and victims of severe forms of trafficking.

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

6 (c) The Operating Group shall continue to report only
7 to the authorities that appointed them pursuant to section
8 105(f).

9 PROHIBITION ON USE OF TORTURE

10 SEC. 7068. None of the funds made available in this
11 Act shall be used in any way whatsoever to support or
12 justify the use of torture, cruel or inhumane treatment
13 by any official or contract employee of the United States
14 Government.

15 AFRICA

16 SEC. 7069. (a) EXPANDED INTERNATIONAL MILI-
17 TARY EDUCATION AND TRAINING.—

18 (1) Funds appropriated under the heading
19 “International Military Education and Training” in
20 this Act that are made available for assistance for
21 Angola, Cameroon, Central African Republic, Chad,
22 Cote D’Ivoire, Guinea and Zimbabwe may be made
23 available only for expanded international military
24 education and training.

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

5 (b) SUDAN LIMITATION ON ASSISTANCE.—

6 (1) Subject to subsection (2):

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

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

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

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

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

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

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

15 (3) EXCEPTIONS.—The provisions of subsection
16 (b)(1) shall not apply to—

17 (A) humanitarian assistance;

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

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

1 nationally-recognized viable peace agreement in
2 Sudan.

3 (4) DEFINITIONS.—For the purposes of this
4 Act, the term “Government of Sudan” shall not in-
5 clude the Government of Southern Sudan.

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

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

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

20 (c) 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 (d) 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, and a transition government
22 has been established that reflects the will of the peo-
23 ple as they voted in the March 2008 elections.

24 (2) None of the funds appropriated by this Act
25 shall be made available for assistance for the central

1 government of Zimbabwe, except with respect to
2 funds made available for macroeconomic growth as-
3 sistance, unless the Secretary of State makes the de-
4 termination pursuant to subsection (d)(1).

ASIA

5
6 SEC. 7070. (a) TIBET.—

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

19 (2) Notwithstanding any other provision of law,
20 not less than \$7,300,000 of the funds appropriated
21 by this Act under the heading “Economic Support
22 Fund” should be made available to nongovernmental
23 organizations to support activities which preserve
24 cultural traditions and promote sustainable develop-
25 ment and environmental conservation in Tibetan

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

3 (b) BURMA.—

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

12 (2) Of the funds appropriated by this Act under
13 the heading “Economic Support Fund”, up to
14 \$12,000,000 may be made available for humani-
15 tarian assistance for individuals and communities
16 impacted by Cyclone Nargis and to support democ-
17 racy activities in Burma, and not less than
18 \$20,000,000 shall be made available for assistance
19 along the Burma-Thailand border, for activities of
20 Burmese student groups and other organizations lo-
21 cated outside Burma, and for the purpose of sup-
22 porting the provision of humanitarian assistance to
23 displaced Burmese along Burma’s borders: *Provided*,
24 That such funds may be made available notwith-
25 standing any other provision of law: *Provided fur-*

1 *ther*, That in addition to assistance for Burmese ref-
2 ugees provided under the heading “Migration and
3 Refugee Assistance” in this Act, not less than
4 \$4,000,000 shall be made available for community-
5 based organizations operating in Thailand to provide
6 food, medical and other humanitarian assistance to
7 internally displaced persons in eastern Burma: *Pro-*
8 *vided further*, That funds made available under this
9 paragraph shall be subject to the regular notification
10 procedures of the Committees on Appropriations.

11 (c) INDONESIA.—

12 (1) Of the funds appropriated by this Act under
13 the heading “Foreign Military Financing Program”,
14 not to exceed \$20,000,000 shall be made available
15 for assistance for Indonesia, of which \$2,000,000
16 shall be made available only after the Secretary of
17 State submits to the Committees on Appropriations
18 the report on Indonesia detailed under such heading
19 in the report accompanying this Act.

20 (2) Of the funds appropriated by this Act under
21 the heading “Economic Support Fund” that are
22 available for assistance for Indonesia, not less than
23 \$300,000 should be made available for grants for ca-
24 pacity building of Indonesian human rights organi-
25 zations, including in Papua.

1 (d) NORTH KOREA.—

2 (1) Funds made available under the heading
3 “Migration and Refugee Assistance” in this Act
4 should be made available for assistance for refugees
5 from North Korea.

6 (2) Of the funds made available under the
7 heading “International Broadcasting Operations” in
8 title I of this Act, not less than \$7,800,000 shall be
9 made available for broadcasts into North Korea.

10 (3) None of the funds made available under the
11 heading “Economic Support Fund” may be made
12 available for assistance for the Government of North
13 Korea unless the Secretary of State determines and
14 reports to the Committees on Appropriations in writ-
15 ing that North Korea is fulfilling its commitments
16 under the Six Party Talks agreements.

17 (e) PEOPLE’S REPUBLIC OF CHINA.—

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

1 (2) The terms and requirements of section
2 620(h) of the Foreign Assistance Act of 1961 shall
3 apply to foreign assistance projects or activities of
4 the People’s Liberation Army (PLA) of the People’s
5 Republic of China, to include such projects or activi-
6 ties by any entity that is owned or controlled by, or
7 an affiliate of, the PLA: *Provided*, That none of the
8 funds appropriated or otherwise made available pur-
9 suant to this Act may be used to finance any grant,
10 contract, or cooperative agreement with the PLA, or
11 any entity that the Secretary of State has reason to
12 believe is owned or controlled by, or an affiliate of,
13 the PLA.

14 (f) PHILIPPINES.—Of the funds appropriated by this
15 Act under the heading “Foreign Military Financing Pro-
16 gram”, not to exceed \$30,000,000 may be made available
17 for assistance for the Philippines, of which \$2,000,000
18 may not be obligated until the Secretary of State reports
19 in writing to the Committees on Appropriations that—

20 (1) the Government of the Philippines is taking
21 effective steps to implement the recommendations of
22 the United Nations Special Rapporteur on
23 extrajudicial, summary or arbitrary executions, to
24 include prosecutions and convictions for extrajudicial
25 executions; sustaining the decline in the number of

1 extrajudicial executions; addressing allegations of a
2 death squad in Davao City; and strengthening gov-
3 ernment institutions working to eliminate
4 extrajudicial executions;

5 (2) the Government of the Philippines is imple-
6 menting a policy of promoting military personnel
7 who demonstrate professionalism and respect for
8 internationally recognized human rights, and is in-
9 vestigating and prosecuting military personnel and
10 others who have been credibly alleged to have vio-
11 lated such rights; and

12 (3) the Philippine Armed Forces do not have a
13 policy of, and are not engaging in, acts of intima-
14 tion or violence against members of legal organiza-
15 tions who advocate for human rights.

16 (g) VIETNAM.—Notwithstanding any other provision
17 of law, funds appropriated under the heading “Develop-
18 ment Assistance” in this Act may be made available for
19 programs and activities in the central highlands of Viet-
20 nam, and shall be made available for environmental reme-
21 diation and related health activities in Vietnam.

22 SERBIA

23 SEC. 7071. (a) Funds appropriated by this Act may
24 be made available for assistance for the central Govern-
25 ment of Serbia after May 31, 2010, if the President has

1 made the determination and certification contained in sub-
2 section (c).

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

8 (c) The determination and certification referred to in
9 subsection (a) is a determination and a certification by
10 the President to the Committees on Appropriations that
11 the Government of Serbia is—

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

19 (2) taking steps that are consistent with the
20 Dayton Accords to end Serbian financial, political,
21 security and other support which has served to
22 maintain separate Republika Srpska institutions;
23 and

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

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

6 INDEPENDENT STATES OF THE FORMER SOVIET UNION

7 SEC. 7072. (a) None of the funds appropriated under
8 the heading “Assistance for Europe, Eurasia and Central
9 Asia” shall be made available for assistance for a govern-
10 ment of an Independent State of the former Soviet Union
11 if that government directs any action in violation of the
12 territorial integrity or national sovereignty of any other
13 Independent State of the former Soviet Union, such as
14 those violations included in the Helsinki Final Act: *Pro-*
15 *vided*, That such funds may be made available without re-
16 gard to the restriction in this subsection if the President
17 determines that to do so is in the national security interest
18 of the United States.

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

24 (c)(1) Of the funds appropriated under the heading
25 “Assistance for Europe, Eurasia and Central Asia” that

1 are allocated for assistance for the Government of the
2 Russian Federation, 60 percent shall be withheld from ob-
3 ligation until the President determines and certifies in
4 writing to the Committees on Appropriations that the Gov-
5 ernment of the Russian Federation—

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

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

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

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

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

22 (d) Section 907 of the FREEDOM Support Act shall
23 not apply to—

24 (1) activities to support democracy or assist-
25 ance under title V of the FREEDOM Support Act

1 and section 1424 of Public Law 104–201 or non-
2 proliferation assistance;

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

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

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

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

16 (6) humanitarian assistance.

17 REPRESSION IN THE RUSSIAN FEDERATION

18 SEC. 7073. (a) None of the funds appropriated under
19 the heading “Assistance for Europe, Eurasia and Central
20 Asia” in this Act may be made available for the Govern-
21 ment of the Russian Federation, after 180 days from the
22 date of the enactment of this Act, unless the President
23 determines and certifies in writing to the Committees on
24 Appropriations that the Government of the Russian Fed-
25 eration:

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

9 (2) is—

10 (A) honoring its international obligations
 11 regarding freedom of expression, assembly, and
 12 press, as well as due process;

13 (B) is investigating and prosecuting law
 14 enforcement personnel credibly alleged to have
 15 committed human rights abuses against polit-
 16 ical leaders, activists and journalists; and

17 (C) is immediately releasing political lead-
 18 ers, activists and journalists who remain in de-
 19 tention.

20 UZBEKISTAN

21 SEC. 7074. (a) Funds appropriated by this Act may
 22 be made available for assistance for the central Govern-
 23 ment of Uzbekistan only if the Secretary of State deter-
 24 mines and reports to the Committees on Appropriations

1 that the Government of Uzbekistan is making substantial
2 and continuing progress—

3 (1) in meeting its commitments under the
4 “Declaration on the Strategic Partnership and Co-
5 operation Framework Between the Republic of
6 Uzbekistan and the United States of America”, in-
7 cluding respect for internationally recognized human
8 rights, establishing a genuine multi-party system,
9 and ensuring free and fair elections, freedom of ex-
10 pression, and the independence of the media; and

11 (2) in investigating and prosecuting the individ-
12 uals responsible for the deliberate killings of civilians
13 in Andijan in May 2005.

14 (b) If the Secretary of State has credible evidence
15 that any current or former official of the Government of
16 Uzbekistan was responsible for the deliberate killings of
17 civilians in Andijan in May 2005, or for other violations
18 of internationally recognized human rights in Uzbekistan,
19 not later than 6 months after enactment of this Act any
20 person identified by the Secretary pursuant to this sub-
21 section shall be ineligible for admission to the United
22 States.

23 (c) The restriction in subsection (b) shall cease to
24 apply if the Secretary determines and reports to the Com-
25 mittees on Appropriations that the Government of

1 Uzbekistan has taken concrete and measurable steps to
2 improve respect for internationally recognized human
3 rights, including allowing peaceful political and religious
4 expression, releasing imprisoned human rights defenders,
5 and implementing recommendations made by the United
6 Nations on torture.

7 (d) The Secretary may waive the application of sub-
8 section (b) if the Secretary determines that admission to
9 the United States is necessary to attend the United Na-
10 tions or to further United States law enforcement objec-
11 tives.

12 (e) For the purpose of this section “assistance” shall
13 include excess defense articles.

14 AFGHANISTAN

15 SEC. 7075. (a) IN GENERAL.—Funds appropriated
16 under the heading “Economic Support Fund” that are
17 available for assistance for Afghanistan shall be made
18 available, to the maximum extent practicable, in a manner
19 that utilizes Afghan entities and emphasizes the participa-
20 tion of Afghan women and directly improves the security,
21 economic and social well-being, and political status, of Af-
22 ghan women and girls.

23 (b) ASSISTANCE FOR WOMEN AND GIRLS.—

24 (1) Funds appropriated in title III of this Act
25 for assistance for Afghanistan shall comply with sec-

1 tions 7061 and 7062 of this Act and shall be made
2 available to support programs that increase partici-
3 pation by women in the political process, including
4 at the national, provincial, and sub-provincial levels,
5 and in efforts to improve security in Afghanistan.

6 (2) Of the funds appropriated under the head-
7 ings “Economic Support Fund” and “International
8 Narcotics Control and Law Enforcement”, not less
9 than \$175,000,000 shall be made available to sup-
10 port programs that directly address the needs of Af-
11 ghan women and girls, including for the Afghan
12 Independent Human Rights Commission, the Afghan
13 Ministry of Women’s Affairs, and for women-led
14 nongovernmental organizations.

15 (c) NATIONAL SOLIDARITY PROGRAM.—Of the funds
16 appropriated under the heading “Economic Support
17 Fund” that are available for assistance for Afghanistan,
18 not less than \$175,000,000 shall be made available for
19 the National Solidarity Program.

20 (d) ANTICORRUPTION.—Ten percent of the funds ap-
21 propriated under the heading “International Narcotics
22 Control and Law Enforcement” that are available for as-
23 sistance for the Government of Afghanistan shall be with-
24 held from obligation until the Secretary of State reports
25 to the Committees on Appropriations that the Government

1 of Afghanistan is implementing a policy to promptly re-
2 move from office any government official who is credibly
3 alleged to have engaged in narcotics trafficking, gross vio-
4 lations of internationally recognized human rights, or
5 other major crimes.

6 (e) BASE RIGHTS.—None of the funds made available
7 by this Act may be used by the United States Government
8 to enter into a permanent basing rights agreement be-
9 tween the United States and Afghanistan.

10 ENTERPRISE FUNDS

11 SEC. 7076. (a) Prior to the distribution of any assets
12 resulting from any liquidation, dissolution, or winding up
13 of an Enterprise Fund, in whole or in part, the President
14 shall submit to the Committees on Appropriations, in ac-
15 cordance with the regular notification procedures of the
16 Committees on Appropriations, a plan for the distribution
17 of the assets of the Enterprise Fund.

18 (b) Funds made available under titles III through VI
19 of this Act for Enterprise Funds shall be expended at the
20 minimum rate necessary to make timely payment for
21 projects and activities and shall be subject to the regular
22 notification procedures of the Committees on Appropria-
23 tions.

1 UNITED NATIONS POPULATION FUND

2 SEC. 7077. (a) CONTRIBUTION.—Of the funds made
3 available under the heading “International Organizations
4 and Programs” in this Act for fiscal year 2010,
5 \$60,000,000 shall be made available for the United Na-
6 tions Population Fund (UNFPA).

7 (b) AVAILABILITY OF FUNDS.—Funds appropriated
8 by this Act for UNFPA, that are not made available for
9 UNFPA because of the operation of any provision of law,
10 shall be transferred to the “Global Health and Child Sur-
11 vival” account and shall be made available for family plan-
12 ning, maternal, and reproductive health activities, subject
13 to the regular notification procedures of the Committees
14 on Appropriations.

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

19 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
20 Funds made available by this Act for UNFPA may not
21 be made available to UNFPA unless—

22 (1) UNFPA maintains funds made available to
23 UNFPA under this section in an account separate
24 from other accounts of UNFPA;

1 (2) UNFPA does not commingle amounts made
2 available to UNFPA under this section with other
3 sums; and

4 (3) UNFPA does not fund abortions.

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

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

14 (2) If a report under paragraph (1) indicates
15 that the UNFPA plans to spend funds for a country
16 program in the People's Republic of China in the
17 year covered by the report, then the amount of such
18 funds the UNFPA plans to spend in the People's
19 Republic of China shall be deducted from the funds
20 made available to the UNFPA after March 1 for ob-
21 ligation for the remainder of the fiscal year in which
22 the report is submitted.

23 PROHIBITION ON PUBLICITY OR PROPAGANDA

24 SEC. 7078. No part of any appropriation contained
25 in this Act shall be used for publicity or propaganda pur-

1 poses within the United States not authorized before the
2 date of the enactment of this Act by the Congress: *Pro-*
3 *vided*, That not to exceed \$25,000 may be made available
4 to carry out the provisions of section 316 of Public Law
5 96-533.

6 OPIC

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 7079. Whenever the President determines that
9 it is in furtherance of the purposes of the Foreign Assist-
10 ance Act of 1961, up to a total of \$20,000,000 of the
11 funds appropriated under title III of this Act may be
12 transferred to, and merged with, funds appropriated by
13 this Act for the Overseas Private Investment Corporation
14 Program Account, to be subject to the terms and condi-
15 tions of that account: *Provided*, That such funds shall not
16 be available for administrative expenses of the Overseas
17 Private Investment Corporation: *Provided further*, That
18 designated funding levels in this Act shall not be trans-
19 ferred pursuant to this section: *Provided further*, That the
20 exercise of such authority shall be subject to the regular
21 notification procedures of the Committees on Appropria-
22 tions.

23 EXTRADITION

24 SEC. 7080. (a) None of the funds appropriated in this
25 Act may be used to provide assistance (other than funds

1 provided under the headings “International Narcotics
2 Control and Law Enforcement”, “Migration and Refugee
3 Assistance”, “Emergency Migration and Refugee Assist-
4 ance”, and “Nonproliferation, Anti-terrorism, Demining
5 and Related Assistance”) for the central government of
6 a country which has notified the Department of State of
7 its refusal to extradite to the United States any individual
8 indicted for a criminal offense for which the maximum
9 penalty is life imprisonment without the possibility of pa-
10 role or for killing a law enforcement officer, as specified
11 in a United States extradition request.

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

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

23 ENERGY AND ENVIRONMENT

24 SEC. 7081. (a) CLEAN ENERGY.—Of the funds ap-
25 propriated by title III of this Act, not less than

1 \$180,000,000 shall be made available to the United States
2 Agency for International Development (USAID), in addi-
3 tion to funds otherwise made available for such purposes,
4 for programs and activities that reduce global warming by
5 promoting the sustainable use of renewable energy tech-
6 nologies and energy efficient end-use technologies, carbon
7 sequestration, and carbon accounting: *Provided*, That of
8 the amount made available to USAID for clean energy
9 programs, \$10,000,000 shall be made available for the
10 “Solar Energy Microfinance Initiative”.

11 (b) CLIMATE CHANGE ADAPTATION.—Funds appro-
12 priated by this Act may be made available for a United
13 States contribution to the Least Developed Countries
14 Fund and to the Special Climate Change Fund to support
15 grants for climate change adaptation programs and activi-
16 ties, if the Global Environment Facility makes publicly
17 available on its website an annual report detailing the cri-
18 teria used to determine which programs and activities re-
19 ceive funds, the manner in which such programs and ac-
20 tivities meet such criteria, the extent of local involvement
21 in such programs and activities, the amount of funds pro-
22 vided, and the results achieved.

23 (c) BIODIVERSITY.—Of the funds appropriated by
24 title III of this Act, not less than \$200,000,000 shall be
25 made available for programs and activities which directly

1 protect biodiversity, including tropical forests and wildlife,
2 in developing countries, of which not less than
3 \$25,000,000 shall be made available for USAID's con-
4 servation programs in the Amazon Basin: *Provided*, That
5 of the funds made available under this paragraph, not less
6 than \$17,500,000 shall be made available for the Congo
7 Basin Forest Partnership: *Provided further*, That funds
8 appropriated by this Act to carry out the provisions of sec-
9 tions 103 through 106, and chapter 4 of part II, of the
10 Foreign Assistance Act of 1961 may be used, notwith-
11 standing any other provision of law, for the purpose of
12 supporting tropical forestry and biodiversity conservation
13 activities and energy programs aimed at reducing green-
14 house gas emissions: *Provided further*, That funds appro-
15 priated under the heading "Development Assistance" may
16 be made available as a contribution to the Galapagos
17 Invasive Species Fund.

18 (d) EXTRACTION OF NATURAL RESOURCES.—

19 (1) The Secretary of the Treasury shall inform
20 the managements of the international financial insti-
21 tutions and the public that it is the policy of the
22 United States to oppose any assistance by such in-
23 stitutions (including but not limited to any loan,
24 credit, grant, or guarantee) for the extraction and
25 export of oil, gas, coal, timber, or other natural re-

1 source unless the government of the country has in
2 place functioning systems for:

3 (A) accurately accounting for payments for
4 companies involved in the extraction and export
5 of natural resources;

6 (B) the independent auditing of accounts
7 receiving such payments and the widespread
8 public dissemination of the findings of such au-
9 dits; and

10 (C) verifying government receipts against
11 company payments including widespread dis-
12 semination of such payment information, and
13 disclosing such documents as Host Government
14 Agreements, Concession Agreements, and bid-
15 ding documents, allowing in any such dissemi-
16 nation or disclosure for the redaction of, or ex-
17 ceptions for, information that is commercially
18 proprietary or that would create competitive
19 disadvantage.

20 (2) Not later than 180 days after the enact-
21 ment of this Act, the Secretary of the Treasury shall
22 submit a report to the Committees on Appropria-
23 tions describing, for each international financial in-
24 stitution, the amount and type of assistance pro-
25 vided, by country, for the extraction and export of

1 oil, gas, coal, timber, or other natural resources in
2 the preceding 12 months, and whether each institu-
3 tion considered, in its proposal for such assistance,
4 the extent to which the country has functioning sys-
5 tems described in paragraph (1).

6 PROHIBITION ON PROMOTION OF TOBACCO

7 SEC. 7082. None of the funds provided by this Act
8 shall be available to promote the sale or export of tobacco
9 or tobacco products, or to seek the reduction or removal
10 by any foreign country of restrictions on the marketing
11 of tobacco or tobacco products, except for restrictions
12 which are not applied equally to all tobacco or tobacco
13 products of the same type.

14 COMMERCIAL LEASING OF DEFENSE ARTICLES

15 SEC. 7083. Notwithstanding any other provision of
16 law, and subject to the regular notification procedures of
17 the Committees on Appropriations, the authority of sec-
18 tion 23(a) of the Arms Export Control Act may be used
19 to provide financing to Israel, Egypt and NATO and
20 major non-NATO allies for the procurement by leasing
21 (including leasing with an option to purchase) of defense
22 articles from United States commercial suppliers, not in-
23 cluding Major Defense Equipment (other than helicopters
24 and other types of aircraft having possible civilian applica-
25 tion), if the President determines that there are compel-

1 ling foreign policy or national security reasons for those
2 defense articles being provided by commercial lease rather
3 than by government-to-government sale under such Act.

4 TRANSPARENCY AND ACCOUNTABILITY

5 SEC. 7084. (a) UNITED NATIONS.—Funds made
6 available by this Act shall be made available to continue
7 reform efforts at the United Nations: Provided, That not
8 later than September 30, 2010, the Secretary of State
9 shall submit a report to the Committees on Appropriations
10 detailing actions taken by United Nations organizations
11 under the headings “Contributions to International Orga-
12 nizations” and “International Organizations and Pro-
13 grams” to continue reform of United Nations financial
14 management systems and program oversight.

15 (b) NATIONAL BUDGET TRANSPARENCY.—

16 (1) None of the funds appropriated by this Act
17 may be made available for assistance for the central
18 government of any country that fails to make pub-
19 licly available on an annual basis its national budget,
20 to include income and expenditures.

21 (2) The Secretary of State may waive the re-
22 quirements of paragraph (1) on a country-by-coun-
23 try basis if the Secretary reports to the Committees
24 on Appropriations that to do so is important to the
25 national interest of the United States.

SRI LANKA

1

2 SEC. 7085. (a) IN GENERAL.—Funds appropriated
3 in title III of this Act that are available for assistance
4 for Sri Lanka shall be made available to fund programs
5 that promote reconciliation between the ethnic Sinhalese
6 and Tamil communities, support post-conflict reconstruc-
7 tion, and establish a meaningful and inclusive role for
8 Tamil and other minorities in national, political, and eco-
9 nomic life.

10 (b) SECURITY ASSISTANCE.—Funds made available
11 in title IV of this Act that are available for assistance for
12 Sri Lanka should encourage programs that include the re-
13 cruitment and training of Tamils into the Sri Lankan Se-
14 curity Forces, Tamil language training for Sinhalese
15 forces, and human rights training for all security forces.

16 (c) DEMINING.—In addition to subsection (a), up to
17 \$1,000,000 of the funds appropriated under the heading
18 “Nonproliferation, Anti-terrorism, Demining and Related
19 Programs” shall be provided for demining of conflict af-
20 fected areas.

21 (d) REPORTING REQUIREMENT.—Not later than 60
22 days after enactment of this Act, the Secretary of State
23 shall report to the Committee on Appropriations on the
24 extent to which the Government of Sri Lanka’s is:

1 (1) providing unrestricted humanitarian access
 2 to the displaced within camps;

3 (2) providing protection for internally displaced
 4 persons (IDPs) and humanitarian workers, including
 5 the International Committee of the Red Cross at all
 6 sites where the military and police conduct security
 7 screening;

8 (3) permitting freedom of movement for IDPs
 9 once they have completed security screening, includ-
 10 ing allowing the displaced to return home or move
 11 to other safe locations;

12 (4) allowing civilian authorities to run without
 13 interference camps and hospitals that house the dis-
 14 placed; and

15 (5) allowing for the safe and timely return of
 16 IDPs to their homes.

17 UNRWA ACCOUNTABILITY

18 SEC. 7086. The Secretary of State shall prepare and
 19 submit to the Committees on Appropriations not later
 20 than 45 days after the date of enactment of this Act a
 21 report on whether UNRWA is:

22 (1) continuing to utilize Operations Support Of-
 23 ficers in the West Bank and Gaza to inspect
 24 UNRWA installations and report any inappropriate
 25 use;

1 (2) dealing promptly with any staff or bene-
2 ficiary violations of its own policies (including the
3 policies on neutrality and impartiality of employees)
4 and the legal requirements under section 301(c) of
5 the Foreign Assistance Act of 1961;

6 (3) taking necessary and appropriate measures
7 to ensure it is operating in compliance with the con-
8 ditions of section 301(c) of the Foreign Assistance
9 Act of 1961;

10 (4) continuing regular reporting to the Depart-
11 ment of State on actions it has taken to ensure con-
12 formance with the conditions of section 301(c) of the
13 Foreign Assistance Act of 1961;

14 (5) taking steps to improve the transparency of
15 all educational materials currently in use in
16 UNRWA-administered schools;

17 (6) continuing to use curriculum materials in
18 UNRWA-supported schools and summer camps de-
19 signed to promote tolerance, non-violent conflict res-
20 olution and human rights;

21 (7) not engaging in operations with financial in-
22 stitutions or related entities in violation of relevant
23 United States law and is enhancing its transparency
24 and financial due diligence and working to diversify
25 its banking operations in the region; and

1 (8) in compliance with the United Nations
2 Board of Auditors' biennial audit requirements and
3 is implementing in a timely fashion the Board's rec-
4 ommendations.

5 LIMITATION ON FUNDS RELATING TO TRANSFER OR RE-
6 LEASE OF INDIVIDUALS DETAINED AT NAVAL STA-
7 TION, GUANTANAMO BAY, CUBA

8 SEC. 7087. None of the funds made available in this
9 Act, or any other Act, may be obligated for any country,
10 including a state with a compact of free association with
11 the United States, that concludes an agreement with the
12 United States to receive by transfer or release individuals
13 detained at Naval Station, Guantanamo Bay, Cuba, un-
14 less, not later than 5 days after the conclusion of the
15 agreement but prior to implementation of the agreement,
16 the Secretary of State notifies the Committees on Appro-
17 priations in writing of the terms of the agreement.

18 IMF PROVISIONS

19 SEC. 7088. (a) OPPOSITION TO IMF PROVIDING
20 HARD CURRENCY FOR SDRS RECEIVED BY TERRORIST
21 COUNTRIES.—The Secretary of the Treasury shall in-
22 struct the United States Executive Director at the Inter-
23 national Monetary Fund to use the voice, vote, and influ-
24 ence of the United States to oppose the provision by the
25 Fund of United States dollars, euros, or Japanese yen to

1 any country the government of which the Secretary of
2 State has determined, for purposes of section 6(j) of the
3 Export Administration Act of 1979, section 620A of the
4 Foreign Assistance Act of 1961, or section 40 of the Arms
5 Export Control Act, to be a government that has repeat-
6 edly provided support for acts of international terrorism,
7 in exchange for any Special Drawing Rights received by
8 the country pursuant to the amendments to the Articles
9 of Agreement of the Fund as described in section 64 of
10 the Bretton Woods Agreements Act.

11 (b) SUNSET ON AUTHORITY TO MAKE LOANS TO
12 FUND THE NEW ARRANGEMENTS TO BORROW.—Section
13 17(a)(2) of the Bretton Woods Agreements Act (22 U.S.C.
14 286e–2(a)(2)) is amended by inserting “: *Provided further,*
15 That the authority to make loans under this section shall
16 expire on the date that is 5 years after the date of the
17 enactment of this proviso” before the period.

18 (c) LIMITATION ON PERCENTAGE OF NEW ARRANGE-
19 MENTS TO BORROW TO BE FUNDED BY THE UNITED
20 STATES.—At any time during fiscal years 2009 through
21 2014, no United States contribution to the New Arrange-
22 ments to Borrow may cause the total amount of United
23 States Government contributions to the New Arrange-
24 ments to Borrow to exceed 20 percent of the total amount

1 of funds contributed to the New Arrangements to Borrow
2 from all sources.

3 (d) REPORTING REQUIREMENTS.—Not later than
4 December 15, 2009, and semiannually thereafter, the Sec-
5 retary of the Treasury, in consultation with other appro-
6 priate Federal agencies, shall submit to the Committees
7 on Appropriations a report on the loans made and pro-
8 grams carried out using financing provided by or through
9 the New Arrangements to Borrow. Each such report shall
10 include the following:

11 (1) A description of the economies of countries
12 requiring the assistance from the New Arrangements
13 to Borrow, including the monetary, fiscal, and ex-
14 change rate policies of the countries.

15 (2) A description of the degree to which the
16 countries requiring the assistance have fully imple-
17 mented domestic reforms including—

18 (A) the enactment and implementation of
19 appropriate financial reform legislation;

20 (B) strengthening the domestic financial
21 system and improving transparency and super-
22 vision;

23 (C) opening domestic capital markets; and

24 (D) making nontransparent conglomerate
25 practices more transparent through the applica-

1 tion of internationally accepted accounting
2 practices, independent external audits, full dis-
3 closure, and provision of consolidated state-
4 ments.

5 (3) A detailed description of the trade policies
6 of the countries, including any unfair trade practices
7 or adverse effects of the trade policies on the United
8 States.

9 (4) The amount, rate of interest, and disburse-
10 ment and repayment schedules of any funds dis-
11 bursed by the International Monetary Fund pursu-
12 ant to the New Arrangements to Borrow.

13 INTELLECTUAL PROPERTY RIGHTS PROTECTIONS

14 SEC. 7089. Prior to the obligation of the funds made
15 available in this Act for “Contribution to the Clean Tech-
16 nology Fund” or “Strategic Climate Fund” of the World
17 Bank, the Secretary of State shall certify in writing to
18 the Committees on Appropriations that all actions taken
19 during the negotiations of the United Nations Framework
20 Convention on Climate Change ensure robust compliance
21 with and enforcement of existing international legal re-
22 quirements as of the date of the enactment of this Act
23 that respect intellectual property rights and effective intel-
24 lectual property rights protection and enforcement for en-
25 ergy and environment technology, including wind, solar,

1 biomass, geothermal, hydro, landfill gas, natural gas, ma-
2 rine, trash combustion, fuel cell, hydrogen, microturbine,
3 nuclear, clean coal, electric battery, alternative fuel, alter-
4 native refueling infrastructure, advanced vehicle, electric
5 grid, or energy efficiency-related technologies.

6 LIMITATION ON ASSISTANCE TO SRI LANKA

7 SEC. 7090. None of the funds made available in this
8 Act under the heading “Foreign Military Financing Pro-
9 gram” may be available for assistance for the Government
10 of Sri Lanka.

11 PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

12 SEC. 7091. None of the funds made available in this
13 Act may be used for first-class travel by employees of
14 agencies funded by this Act in contravention of sections
15 301–10.122 through 301–10.124 of title 41, Code of Fed-
16 eral Regulations.

17 LIMITATION ON USE OF FUNDS TO NEGOTIATE

18 AGREEMENT IN CONTRAVENTION OF CERTAIN LAWS

19 SEC. 7092. None of the funds made available in this
20 Act may be used by the Secretary of the Treasury to nego-
21 tiate an agreement in contravention of section 1626 or
22 1627 of the International Financial Institutions Act, sec-
23 tion 1112 or 1403 of the Supplemental Appropriations
24 Act, 2009 (Public Law 111–32), or the provision added
25 to the end of title XVI of the International Financial Insti-

1 tutions Act by section 1404 of the Supplemental Appro-
2 priations Act, 2009 (Public Law 111–32).

3 This Act may be cited as the “Department of State,
4 Foreign Operations, and Related Programs Appropria-
5 tions Act, 2010”.

Passed the House of Representatives July 9, 2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 107

11TH CONGRESS
1ST Session

H. R. 3081

AN ACT

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 13, 2009

Received; read twice and placed on the calendar