

Union Calendar No. 100

111TH CONGRESS
1ST SESSION

H. R. 3081

[Report No. 111-187]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2009

Mrs. LOWEY, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2010, and for other pur-
6 poses, namely:

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

8 For necessary expenses of the Department of State
9 and the Foreign Service not otherwise provided for,
10 \$8,229,000,000, of which \$1,577,427,000 is for World-
11 wide Security Protection (to remain available until ex-
12 pended): *Provided*, That the Secretary of State may trans-
13 fer up to \$137,600,000 of the total funds made available
14 under this heading to any other appropriation of any de-
15 partment or agency of the United States, upon the concur-
16 rence of the head of such department or agency, to sup-
17 port operations in and assistance for Afghanistan and to
18 carry out the provisions of the Foreign Assistance Act of
19 1961: *Provided further*, That, consistent with existing law
20 and regulation, the Secretary of State shall notify in writ-
21 ing the member of the House of Representatives rep-
22 resenting the district of a left-behind parent when the par-
23 ent reports an international child abduction to the Depart-
24 ment of State and the Secretary shall maintain a comput-
25 erized data tracking system to track and monitor such re-

1 ported international child abduction cases: *Provided fur-*
2 *ther*, That the requirements of the previous proviso shall
3 not apply to cases where the left-behind parent does not
4 consent to the Secretary taking such actions: *Provided fur-*
5 *ther*, That funds made available under this heading shall
6 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, to remain available until September
23 30, 2011, of which not less than \$381,800,000 shall
24 be available only for public diplomacy international
25 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, to remain available until expended,
16 as authorized: *Provided*, That section 135(e) of Public
17 Law 103-236 shall not apply to funds available under this
18 heading.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector
21 General, \$100,000,000, notwithstanding section 209(a)(1)
22 of the Foreign Service Act of 1980 (Public Law 96-465),
23 as it relates to post inspections, of which \$23,000,000
24 shall be for the Special Inspector General for Iraq Recon-
25 struction for reconstruction oversight, and \$23,000,000

1 shall be for the Special Inspector General for Afghanistan
2 Reconstruction for reconstruction oversight.

3 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

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

12 REPRESENTATION ALLOWANCES

13 For representation allowances as authorized,
14 \$8,175,000.

15 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

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

20 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

21 For necessary expenses for carrying out the Foreign
22 Service Buildings Act of 1926 (22 U.S.C. 292-303), pre-
23 serving, maintaining, repairing, and planning for buildings
24 that are owned or directly leased by the Department of
25 State, renovating, in addition to funds otherwise available,

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

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

13 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

14 SERVICE

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to enable the Secretary of
17 State to meet unforeseen emergencies arising in the Diplo-
18 matic and Consular Service, \$10,000,000, to remain avail-
19 able until expended as authorized, of which not to exceed
20 \$1,000,000 may be transferred to, and merged with, funds
21 appropriated by this Act under the heading “Repatriation
22 Loans Program Account”, subject to the same terms and
23 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, to remain available until expended:
18 *Provided*, That this amount is in addition to funds other-
19 wise available for such purposes: *Provided further*, That
20 funds appropriated under this heading shall be available
21 for obligation only pursuant to the regular notification
22 procedures of the Committees on Appropriations.

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses to carry out the provisions
25 of section 667 of the Foreign Assistance Act of 1961,

1 \$46,500,000, to remain available until September 30,
2 2011, which sum shall be available for the Office of the
3 Inspector General of the United States Agency for Inter-
4 national Development.

5 TITLE III

6 BILATERAL ECONOMIC ASSISTANCE

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 For necessary expenses to enable the President to
9 carry out the provisions of the Foreign Assistance Act of
10 1961, and for other purposes, to remain available until
11 September 30, 2010, unless otherwise specified herein, as
12 follows:

13 GLOBAL HEALTH AND CHILD SURVIVAL

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of chapters 1 and 10 of part I of the Foreign Assistance
17 Act of 1961, for global health activities, in addition to
18 funds otherwise available for such purposes,
19 \$2,375,000,000, to remain available until September 30,
20 2011, and which shall be apportioned directly to the
21 United States Agency for International Development: *Pro-*
22 *vided*, That this amount shall be made available for such
23 activities as: (1) child survival and maternal health pro-
24 grams; (2) immunization and oral rehydration programs;
25 (3) other health, nutrition, water and sanitation programs

1 which directly address the needs of mothers and children,
2 and related education programs; (4) assistance for chil-
3 dren displaced or orphaned by causes other than AIDS;
4 (5) programs for the prevention, treatment, control of, and
5 research on HIV/AIDS, tuberculosis, polio, malaria, and
6 other infectious diseases, and for assistance to commu-
7 nities severely affected by HIV/AIDS, including children
8 infected or affected by AIDS; and (6) family planning/re-
9 productive health: *Provided further*, That none of the
10 funds appropriated under this paragraph may be made
11 available for nonproject assistance, except that funds may
12 be made available for such assistance for ongoing health
13 activities: *Provided further*, That of the funds appropriated
14 under this paragraph, not to exceed \$400,000, in addition
15 to funds otherwise available for such purposes, may be
16 used to monitor and provide oversight of child survival,
17 maternal and family planning/reproductive health, and in-
18 fectionous disease programs: *Provided further*, That of the
19 funds appropriated under this paragraph, \$77,000,000
20 should be made available for a United States contribution
21 to The GAVI Fund: *Provided further*, That none of the
22 funds made available in this Act nor any unobligated bal-
23 ances from prior appropriations Acts may be made avail-
24 able to any organization or program which, as determined
25 by the President of the United States, supports or partici-

1 pates in the management of a program of coercive abor-
2 tion or involuntary sterilization: *Provided further*, That
3 any determination made under the previous proviso must
4 be made no later than six months after the date of enact-
5 ment of this Act, and must be accompanied by a com-
6 prehensive analysis as well as the complete evidence and
7 criteria utilized to make the determination: *Provided fur-*
8 *ther*, That none of the funds made available under this
9 Act may be used to pay for the performance of abortion
10 as a method of family planning or to motivate or coerce
11 any person to practice abortions: *Provided further*, That
12 nothing in this paragraph shall be construed to alter any
13 existing statutory prohibitions against abortion under sec-
14 tion 104 of the Foreign Assistance Act of 1961: *Provided*
15 *further*, That none of the funds made available under this
16 Act may be used to lobby for or against abortion: *Provided*
17 *further*, That in order to reduce reliance on abortion in
18 developing nations, funds shall be available only to vol-
19 untary family planning projects which offer, either directly
20 or through referral to, or information about access to, a
21 broad range of family planning methods and services, and
22 that any such voluntary family planning project shall meet
23 the following requirements: (1) service providers or refer-
24 ral agents in the project shall not implement or be subject
25 to quotas, or other numerical targets, of total number of

1 births, number of family planning acceptors, or acceptors
2 of a particular method of family planning (this provision
3 shall not be construed to include the use of quantitative
4 estimates or indicators for budgeting and planning pur-
5 poses); (2) the project shall not include payment of incen-
6 tives, bribes, gratuities, or financial reward to: (A) an indi-
7 vidual in exchange for becoming a family planning accep-
8 tor; or (B) program personnel for achieving a numerical
9 target or quota of total number of births, number of fam-
10 ily planning acceptors, or acceptors of a particular method
11 of family planning; (3) the project shall not deny any right
12 or benefit, including the right of access to participate in
13 any program of general welfare or the right of access to
14 health care, as a consequence of any individual's decision
15 not to accept family planning services; (4) the project shall
16 provide family planning acceptors comprehensible infor-
17 mation on the health benefits and risks of the method cho-
18 sen, including those conditions that might render the use
19 of the method inadvisable and those adverse side effects
20 known to be consequent to the use of the method; and
21 (5) the project shall ensure that experimental contracep-
22 tive drugs and devices and medical procedures are pro-
23 vided only in the context of a scientific study in which
24 participants are advised of potential risks and benefits;
25 and, not less than 60 days after the date on which the

1 Administrator of the United States Agency for Inter-
2 national Development determines that there has been a
3 violation of the requirements contained in paragraph (1),
4 (2), (3), or (5) of this proviso, or a pattern or practice
5 of violations of the requirements contained in paragraph
6 (4) of this proviso, the Administrator shall submit to the
7 Committees on Appropriations a report containing a de-
8 scription of such violation and the corrective action taken
9 by the Agency: *Provided further*, That in awarding grants
10 for natural family planning under section 104 of the For-
11 eign Assistance Act of 1961 no applicant shall be discrimi-
12 nated against because of such applicant's religious or con-
13 scientious commitment to offer only natural family plan-
14 ning; and, additionally, all such applicants shall comply
15 with the requirements of the previous proviso: *Provided*
16 *further*, That for purposes of this or any other Act author-
17 izing or appropriating funds for the Department of State,
18 foreign operations, and related programs, the term "moti-
19 vate", as it relates to family planning assistance, shall not
20 be construed to prohibit the provision, consistent with
21 local law, of information or counseling about all pregnancy
22 options: *Provided further*, That to the maximum extent
23 feasible, taking into consideration cost, timely availability,
24 and best health practices, funds appropriated in this Act
25 or prior appropriations Acts that are made available for

1 condom procurement shall be made available only for the
2 procurement of condoms manufactured in the United
3 States: *Provided further*, That information provided about
4 the use of condoms as part of projects or activities that
5 are funded from amounts appropriated by this Act shall
6 be medically accurate and shall include the public health
7 benefits and failure rates of such use.

8 In addition, for necessary expenses to carry out the
9 provisions of the Foreign Assistance Act of 1961 for the
10 prevention, treatment, and control of, and research on,
11 HIV/AIDS, \$5,409,000,000, to remain available until ex-
12 pended, and which shall be apportioned directly to the De-
13 partment of State: *Provided*, That of the funds appro-
14 priated under this paragraph, not less than \$750,000,000
15 shall be made available, notwithstanding any other provi-
16 sion of law, except for the United States Leadership
17 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
18 (Public Law 108–25), as amended, for a United States
19 contribution to the Global Fund to Fight AIDS, Tuber-
20 culosis and Malaria, and shall be expended at the min-
21 imum rate necessary to make timely payment for projects
22 and activities: *Provided further*, That up to 5 percent of
23 the aggregate amount of funds made available to the Glob-
24 al Fund in fiscal year 2010 may be made available to the
25 United States Agency for International Development for

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

7 DEVELOPMENT ASSISTANCE

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

1 \$310,000,000 shall be made available for water and sani-
2 tation supply projects pursuant to the Senator Paul Simon
3 Water for the Poor Act of 2005 (Public Law 109–121):
4 *Provided further*, That of the funds appropriated by title
5 III of this Act, not less than \$1,000,000,000 shall be made
6 available for food security and agricultural development
7 programs, of which \$32,000,000 shall be made available
8 for Collaborative Research Support Programs: *Provided*
9 *further*, That prior to the obligation of funds pursuant to
10 the previous proviso and after consultation with other rel-
11 evant Federal departments and agencies, the Committees
12 on Appropriations, and relevant nongovernmental organi-
13 zations, the Administrator of the United States Agency
14 for International Development shall submit to the Com-
15 mittees on Appropriations a strategy for achieving the
16 food security and agricultural development program goals:
17 *Provided further*, That of the funds appropriated under
18 this heading for food security and agricultural develop-
19 ment programs, \$10,000,000 shall be made available for
20 a United States contribution to the endowment of the
21 Global Crop Diversity Trust pursuant to section 3202 of
22 Public Law 110–246: *Provided further*, That of the funds
23 appropriated under this heading, not less than
24 \$20,000,000 shall be made available for programs to im-
25 prove women’s leadership capacity in recipient countries.

1 INTERNATIONAL DISASTER ASSISTANCE

2 For necessary expenses to carry out the provisions
3 of section 491 of the Foreign Assistance Act of 1961 for
4 international disaster relief, rehabilitation, and recon-
5 struction assistance, \$830,000,000, to remain available
6 until expended.

7 TRANSITION INITIATIVES

8 For necessary expenses for international disaster re-
9 habilitation and reconstruction assistance pursuant to sec-
10 tion 491 of the Foreign Assistance Act of 1961,
11 \$100,000,000, to remain available until expended, to sup-
12 port transition to democracy and to long-term develop-
13 ment of countries in crisis: *Provided*, That such support
14 may include assistance to develop, strengthen, or preserve
15 democratic institutions and processes, revitalize basic in-
16 frastructure, and foster the peaceful resolution of conflict:
17 *Provided further*, That of the funds made available under
18 this heading, up to \$50,000,000 may be made available
19 for a Rapid Response Fund: *Provided further*, That none
20 of the funds made available for the Rapid Response Fund
21 may be obligated until the Administrator of the United
22 States Agency for International Development consults
23 with the Committees on Appropriations on the country
24 that will receive assistance, the level of assistance pro-
25 posed for such country, a description of the proposed pro-

1 grams, projects and activities, and the implementing agen-
2 cies or departments of the United States Government:
3 *Provided further*, That the United States Agency for Inter-
4 national Development shall submit a report to the Com-
5 mittees on Appropriations at least 5 days prior to begin-
6 ning a new program of assistance.

7 DEVELOPMENT CREDIT AUTHORITY

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

21 ECONOMIC SUPPORT FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out the provisions
24 of chapter 4 of part II of the Foreign Assistance Act of
25 1961, \$6,370,096,000, to remain available until Sep-

1 tember 30, 2011: *Provided*, That of the funds appro-
2 priated under this heading, \$250,000,000 shall be avail-
3 able only for Egypt, which sum shall be provided on a
4 grant basis, and of which sum cash transfer assistance
5 shall be provided with the understanding that Egypt will
6 undertake significant economic and democratic reforms
7 which are additional to those which were undertaken in
8 previous fiscal years: *Provided further*, That of the funds
9 appropriated under this heading for assistance for Egypt,
10 not less than \$25,000,000 shall be made available for de-
11 mocracy, human rights and governance programs, and not
12 less than \$25,000,000 shall be made available for edu-
13 cation programs: *Provided further*, That \$11,000,000 of
14 the funds appropriated under this heading should be made
15 available for Cyprus to be used only for scholarships, ad-
16 ministrative support of the scholarship program,
17 bicomunal projects, and measures aimed at reunification
18 of the island and designed to reduce tensions and promote
19 peace and cooperation between the two communities on
20 Cyprus: *Provided further*, That of the funds appropriated
21 under this heading, not less than \$363,000,000 shall be
22 made available only for assistance for Jordan: *Provided*
23 *further*, That of the funds appropriated under this heading
24 not more than \$400,400,000 may be made available for
25 assistance for the West Bank and Gaza, of which not to

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

1 of the funds appropriated under this heading,
2 \$200,660,000 shall be apportioned directly to USAID for
3 alternative development/institution building programs in
4 Colombia: *Provided further*, That of the funds appro-
5 priated under this heading that are available for Colombia,
6 not less than \$4,500,000 shall be transferred to, and
7 merged with, funds appropriated under the heading “Mi-
8 gration and Refugee Assistance” and shall be made avail-
9 able only for assistance to nongovernmental organizations
10 that provide emergency relief aid to Colombian refugees
11 in neighboring countries.

12 DEMOCRACY FUND

13 For necessary expenses to carry out the provisions
14 of the Foreign Assistance Act of 1961 for the promotion
15 of democracy globally, \$120,000,000, to remain available
16 until September 30, 2011, of which \$70,000,000 shall be
17 made available for the Human Rights and Democracy
18 Fund of the Bureau of Democracy, Human Rights and
19 Labor, Department of State, and \$50,000,000 shall be
20 made available for the Office of Democracy and Govern-
21 ance of the Bureau for Democracy, Conflict, and Human-
22 itarian Assistance, United States Agency for International
23 Development: *Provided*, That funds appropriated by this
24 Act that are made available for the promotion of democ-
25 racy may be made available notwithstanding any other

1 provision of law, and with regard to the National Endow-
2 ment for Democracy, any regulation: *Provided further*,
3 That with respect to the provision of assistance for democ-
4 racy, human rights and governance activities in this Act,
5 the organizations implementing such assistance and the
6 specific nature of that assistance shall not be subject to
7 the prior approval by the government of any foreign coun-
8 try.

9 INTERNATIONAL FUND FOR IRELAND

10 For necessary expenses to carry out the provisions
11 of chapter 4 of part II of the Foreign Assistance Act of
12 1961, \$18,000,000, which shall be available for the United
13 States contribution to the International Fund for Ireland
14 and shall be made available in accordance with the provi-
15 sions of the Anglo-Irish Agreement Support Act of 1986
16 (Public Law 99–415): *Provided*, That such amount shall
17 be expended at the minimum rate necessary to make time-
18 ly payment for projects and activities: *Provided further*,
19 That funds made available under this heading shall re-
20 main available until September 30, 2011.

21 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

22 For necessary expenses to carry out the provisions
23 of the Foreign Assistance Act of 1961, the FREEDOM
24 Support Act, and the Support for East European Democ-
25 racy (SEED) Act of 1989, \$722,253,000, to remain avail-

1 able until September 30, 2011, which shall be available,
2 notwithstanding any other provision of law, for assistance
3 and for related programs for countries identified in section
4 3 of the FREEDOM Support Act and section 3(c) of the
5 SEED Act: *Provided*, That funds appropriated under this
6 heading shall be considered to be economic assistance
7 under the Foreign Assistance Act of 1961 for purposes
8 of making available the administrative authorities con-
9 tained in that Act for the use of economic assistance: *Pro-*
10 *vided further*, That notwithstanding any provision of this
11 or any other Act, funds appropriated in prior years under
12 the headings “Independent States of the Former Soviet
13 Union” and similar headings and “Assistance for Eastern
14 Europe and the Baltic States” and similar headings, and
15 currencies generated by or converted from such funds,
16 shall be available for use in any country for which funds
17 are made available under this heading without regard to
18 the geographic limitations of the heading under which
19 such funds were originally appropriated: *Provided further*,
20 That funds made available for the Southern Caucasus re-
21 gion may be used for confidence-building measures and
22 other activities in furtherance of the peaceful resolution
23 of conflicts, including in Nagorno-Karabagh.

1 DEPARTMENT OF STATE
2 INTERNATIONAL NARCOTICS CONTROL AND LAW
3 ENFORCEMENT

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

1 standing section 482(b) of the Foreign Assistance Act of
2 1961 shall be made available subject to the regular notifi-
3 cation procedures of the Committees on Appropriations:
4 *Provided further*, That none of the funds appropriated
5 under this heading for assistance for Afghanistan may be
6 made available for eradication programs through the aer-
7 ial spraying of herbicides unless the Secretary of State de-
8 termines and reports to the Committees on Appropriations
9 that the President of Afghanistan has requested assistance
10 for such aerial spraying programs for counternarcotics
11 purposes: *Provided further*, That in the event the Sec-
12 retary of State makes a determination pursuant to the
13 previous proviso, the Secretary shall consult with the Com-
14 mittees on Appropriations prior to the obligation of funds
15 for such eradication programs: *Provided further*, That
16 none of the funds appropriated under this heading for as-
17 sistance for Colombia shall be made available for budget
18 support or as cash payments: *Provided further*, That funds
19 appropriated under this heading that are made available
20 for assistance for the Bolivian military and police may be
21 made available for such purposes only if the Secretary of
22 State certifies to the Committees on Appropriations that
23 the Bolivian military and police are respecting internation-
24 ally recognized human rights and cooperating fully with
25 investigations and prosecutions by civilian judicial authori-

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

14 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
15 RELATED PROGRAMS

16 For necessary expenses for nonproliferation, anti-ter-
17 rorism, demining and related programs and activities,
18 \$717,430,000, to carry out the provisions of chapter 8 of
19 part II of the Foreign Assistance Act of 1961 for anti-
20 terrorism assistance, chapter 9 of part II of the Foreign
21 Assistance Act of 1961, section 504 of the FREEDOM
22 Support Act, section 23 of the Arms Export Control Act
23 or the Foreign Assistance Act of 1961 for demining activi-
24 ties, the clearance of unexploded ordnance, the destruction
25 of small arms, and related activities, notwithstanding any

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

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

14 MIGRATION AND REFUGEE ASSISTANCE

15 For necessary expenses, not otherwise provided for,
16 to enable the Secretary of State to provide, as authorized
17 by law, a contribution to the International Committee of
18 the Red Cross, assistance to refugees, including contribu-
19 tions to the International Organization for Migration and
20 the United Nations High Commissioner for Refugees, and
21 other activities to meet refugee and migration needs; sala-
22 ries and expenses of personnel and dependents as author-
23 ized by the Foreign Service Act of 1980; allowances as
24 authorized by sections 5921 through 5925 of title 5,
25 United States Code; purchase and hire of passenger motor

1 vehicles; and services as authorized by section 3109 of title
2 5, United States Code, \$1,480,444,000, to remain avail-
3 able until expended, of which not less than \$25,000,000
4 shall be made available for refugees resettling in Israel.

5 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
6 ASSISTANCE FUND

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

11 INDEPENDENT AGENCIES

12 PEACE CORPS

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses to carry out the provisions
15 of the Peace Corps Act (22 U.S.C. 2501-2523), including
16 the purchase of not to exceed five passenger motor vehicles
17 for administrative purposes for use outside of the United
18 States, \$450,000,000 to remain available until September
19 30, 2011: *Provided*, That none of the funds appropriated
20 under this heading shall be used to pay for abortions: *Pro-*
21 *vided further*, That the Director of the Peace Corps may
22 transfer to the Foreign Currency Fluctuations Account,
23 as authorized by 22 U.S.C. 2515, an amount not to exceed
24 \$5,000,000: *Provided further*, That funds transferred pur-
25 suant to the previous proviso may not be derived from

1 amounts made available for Peace Corps overseas oper-
2 ations: *Provided further*, That of the funds appropriated
3 under this heading, not to exceed \$4,000 may be made
4 available for entertainment expenses: *Provided further*,
5 That any decision to open a new domestic office or to
6 close, or significantly reduce the number of personnel of,
7 any office, shall be subject to the regular notification pro-
8 cedures of the Committees on Appropriations.

9 MILLENNIUM CHALLENGE CORPORATION

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses to carry out the provisions
12 of the Millennium Challenge Act of 2003, \$1,400,000,000
13 to remain available until expended: *Provided*, That of the
14 funds appropriated under this heading, up to \$95,000,000
15 may be available for administrative expenses of the Millen-
16 nium Challenge Corporation (the Corporation): *Provided*
17 *further*, That up to 10 percent of the funds appropriated
18 under this heading may be made available to carry out
19 the purposes of section 616 of the Millennium Challenge
20 Act of 2003 for fiscal year 2010: *Provided further*, That
21 section 605(e)(4) of the Millennium Challenge Act of 2003
22 shall apply to funds appropriated under this heading: *Pro-*
23 *vided further*, That funds appropriated under this heading
24 may be made available for a Millennium Challenge Com-
25 pact entered into pursuant to section 609 of the Millen-

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

1 INTER-AMERICAN FOUNDATION

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

9 AFRICAN DEVELOPMENT FOUNDATION

10 For necessary expenses to carry out title V of the
11 International Security and Development Cooperation Act
12 of 1980 (Public Law 96–533), \$30,000,000, to remain
13 available until September 30, 2011: *Provided*, That funds
14 made available to grantees may be invested pending ex-
15 penditure for project purposes when authorized by the
16 Board of Directors of the Foundation: *Provided further*,
17 That interest earned shall be used only for the purposes
18 for which the grant was made: *Provided further*, That not-
19 withstanding section 505(a)(2) of the African Develop-
20 ment Foundation Act, in exceptional circumstances the
21 Board of Directors of the Foundation may waive the
22 \$250,000 limitation contained in that section with respect
23 to a project and a project may exceed the limitation by
24 up to \$10,000 if the increase is due solely to foreign cur-
25 rency fluctuation: *Provided further*, That the Foundation

1 shall provide a report to the Committees on Appropria-
2 tions after each time such waiver authority is exercised.

3 DEPARTMENT OF THE TREASURY

4 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

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

10 DEBT RESTRUCTURING

11 For the cost, as defined in section 502 of the Con-
12 gressional Budget Act of 1974, of modifying loans and
13 loan guarantees, as the President may determine, for
14 which funds have been appropriated or otherwise made
15 available for programs within the International Affairs
16 Budget Function 150, including the cost of selling, reduc-
17 ing, or canceling amounts owed to the United States as
18 a result of concessional loans made to eligible countries,
19 pursuant to parts IV and V of the Foreign Assistance Act
20 of 1961, of modifying concessional credit agreements with
21 least developed countries, as authorized under section 411
22 of the Agricultural Trade Development and Assistance Act
23 of 1954, as amended, of concessional loans, guarantees
24 and credit agreements, as authorized under section 572
25 of the Foreign Operations, Export Financing, and Related

1 Programs Appropriations Act, 1989 (Public Law 100–
2 461), and of canceling amounts owed, as a result of loans
3 or guarantees made pursuant to the Export-Import Bank
4 Act of 1945, by countries that are eligible for debt reduc-
5 tion pursuant to title V of H.R. 3425 as enacted into law
6 by section 1000(a)(5) of Public Law 106–113,
7 \$60,000,000, to remain available until September 30,
8 2012: *Provided*, That not less than \$20,000,000 of the
9 funds appropriated under this heading shall be made avail-
10 able to carry out the provisions of part V of the Foreign
11 Assistance Act of 1961: *Provided further*, That amounts
12 paid to the HIPC Trust Fund may be used only to fund
13 debt reduction under the enhanced HIPC initiative by—
14 (1) the Inter-American Development Bank;
15 (2) the African Development Fund;
16 (3) the African Development Bank; and
17 (4) the Central American Bank for Economic
18 Integration:
19 *Provided further*, That funds may not be paid to the HIPC
20 Trust Fund for the benefit of any country if the Secretary
21 of State has credible evidence that the government of such
22 country is engaged in a consistent pattern of gross viola-
23 tions of internationally recognized human rights or in mili-
24 tary or civil conflict that undermines its ability to develop
25 and implement measures to alleviate poverty and to devote

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

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

24 (2) have documented and demonstrated their
25 commitment to redirect their budgetary resources

1 from international debt repayments to programs to
2 alleviate poverty and promote economic growth that
3 are additional to or expand upon those previously
4 available for such purposes:

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

14 TITLE IV

15 INTERNATIONAL SECURITY ASSISTANCE

16 FUNDS APPROPRIATED TO THE PRESIDENT

17 PEACEKEEPING OPERATIONS

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

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

12 INTERNATIONAL MILITARY EDUCATION AND TRAINING

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

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

9 FOREIGN MILITARY FINANCING PROGRAM

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

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

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

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

1 mitted through the regular notification procedures of sec-
2 tion 7015 of this Act: *Provided further*, That none of the
3 funds appropriated under this heading may be made avail-
4 able for assistance for Nepal, Sri Lanka, Pakistan, Ban-
5 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,
6 Haiti, Guatemala, Ethiopia, and the Democratic Republic
7 of the Congo except pursuant to the regular notification
8 procedures of the Committees on Appropriations: *Provided*
9 *further*, That funds made available under this heading
10 may be used, notwithstanding any other provision of law,
11 for demining, the clearance of unexploded ordnance, and
12 related activities, and may include activities implemented
13 through nongovernmental and international organizations:
14 *Provided further*, That only those countries for which as-
15 sistance was justified for the “Foreign Military Sales Fi-
16 nancing Program” in the fiscal year 1989 congressional
17 presentation for security assistance programs may utilize
18 funds made available under this heading for procurement
19 of defense articles, defense services or design and con-
20 struction services that are not sold by the United States
21 Government under the Arms Export Control Act: *Provided*
22 *further*, That funds appropriated under this heading shall
23 be expended at the minimum rate necessary to make time-
24 ly payment for defense articles and services: *Provided fur-*
25 *ther*, That not more than \$54,464,000 of the funds appro-

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

20 TITLE V

21 MULTILATERAL ASSISTANCE

22 FUNDS APPROPRIATED TO THE PRESIDENT

23 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

24 For necessary expenses to carry out the provisions
25 of section 301 of the Foreign Assistance Act of 1961, and

1 of section 2 of the United Nations Environment Program
2 Participation Act of 1973, \$395,091,000: *Provided*, That
3 section 307(a) of the Foreign Assistance Act of 1961 shall
4 not apply to contributions to the United Nations Democ-
5 racy Fund.

6 INTERNATIONAL FINANCIAL INSTITUTIONS

7 GLOBAL ENVIRONMENT FACILITY

8 For the United States contribution for the Global En-
9 vironment Facility, \$86,500,000, to the International
10 Bank for Reconstruction and Development as trustee for
11 the Global Environment Facility, by the Secretary of the
12 Treasury, to remain available until expended.

13 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

14 ASSOCIATION

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

18 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

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

1 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

2 For contributions to the multilateral Strategic Cli-
3 mate Fund, \$75,000,000, 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: *Provided fur-*
7 *ther*, That the Secretary of the Treasury shall consult with
8 the Committees on Appropriations on the proposed uses
9 of these funds prior to making a contribution to the Stra-
10 tegic Climate Fund.

11 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT

12 BANK

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

16 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS

17 MULTILATERAL INVESTMENT FUND

18 For payment to the Enterprise for the Americas Mul-
19 tilateral Investment Fund by the Secretary of the Treas-
20 ury, for the United States contribution to the fund,
21 \$25,000,000, to remain available until expended.

22 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

23 For the United States contribution by the Secretary
24 of the Treasury to the increase in resources of the Asian
25 Development Fund, as authorized by the Asian Develop-

1 ment Bank Act, as amended, \$115,250,000, to remain
2 available until expended.

3 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

4 For the United States contribution by the Secretary
5 of the Treasury to the increase in resources of the African
6 Development Fund, \$159,885,000, to remain available
7 until expended.

8 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
9 AGRICULTURAL DEVELOPMENT

10 For the United States contribution by the Secretary
11 of the Treasury to increase the resources of the Inter-
12 national Fund for Agricultural Development,
13 \$30,000,000, to remain available until expended.

14 TITLE VI

15 EXPORT AND INVESTMENT ASSISTANCE

16 EXPORT-IMPORT BANK OF THE UNITED STATES

17 INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$2,500,000, to remain
21 available until September 30, 2011.

22 PROGRAM ACCOUNT

23 The Export-Import Bank of the United States is au-
24 thorized to make such expenditures within the limits of
25 funds and borrowing authority available to such corpora-

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

23

SUBSIDY APPROPRIATION

24

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

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

20 ADMINISTRATIVE EXPENSES

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

1 Board of Directors, not to exceed \$83,880,000: *Provided*,
2 That the Export-Import Bank may accept, and use, pay-
3 ment or services provided by transaction participants for
4 legal, financial, or technical services in connection with
5 any transaction for which an application for a loan, guar-
6 antee or insurance commitment has been made: *Provided*
7 *further*, That notwithstanding subsection (b) of section
8 117 of the Export Enhancement Act of 1992, subsection
9 (a) thereof shall remain in effect until October 1, 2010.

10

RECEIPTS COLLECTED

11 Receipts collected pursuant to the Export-Import
12 Bank Act of 1945, as amended, and the Federal Credit
13 Reform Act of 1990, as amended, in an amount not to
14 exceed the amount appropriated herein, shall be credited
15 as offsetting collections to this account: *Provided*, That the
16 sums herein appropriated from the General Fund shall be
17 reduced on a dollar-for-dollar basis by such offsetting col-
18 lections so as to result in a final fiscal year appropriation
19 from the General Fund estimated at \$0: *Provided further*,
20 That of amounts collected in fiscal year 2010 in excess
21 of obligations, up to \$50,000,000, shall become available
22 on September 1, 2010 and shall remain available until
23 September 30, 2013.

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

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

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 TRADE AND DEVELOPMENT AGENCY

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

9 TITLE VII

10 GENERAL PROVISIONS

11 ALLOWANCES AND DIFFERENTIALS

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

18 UNOBLIGATED BALANCES REPORT

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

1 CONSULTING SERVICES

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

10 EMBASSY CONSTRUCTION

11 SEC. 7004. (a) Of funds provided under title I of this
12 Act, except as provided in subsection (b), a project to con-
13 struct a diplomatic facility of the United States may not
14 include office space or other accommodations for an em-
15 ployee of a Federal agency or department if the Secretary
16 of State determines that such department or agency has
17 not provided to the Department of State the full amount
18 of funding required by subsection (e) of section 604 of
19 the Secure Embassy Construction and Counterterrorism
20 Act of 1999 (as enacted into law by section 1000(a)(7)
21 of Public Law 106–113 and contained in appendix G of
22 that Act; 113 Stat. 1501A–453), as amended by section
23 629 of the Departments of Commerce, Justice, and State,
24 the Judiciary, and Related Agencies Appropriations Act,
25 2005.

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

5 PERSONNEL ACTIONS

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

20 INTERNATIONAL BROADCASTING

21 SEC. 7006. (a) Of the funds appropriated in this Act
22 under the heading “International Broadcasting Oper-
23 ations” for programming to the Middle East, Afghanistan,
24 and Pakistan, 10 percent of the funds shall not be avail-
25 able for obligation until the Broadcasting Board of Gov-

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

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

15 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
16 COUNTRIES

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

MILITARY COUPS

1
2 SEC. 7008. None of the funds appropriated or other-
3 wise made available pursuant to titles III through VI of
4 this Act shall be obligated or expended to finance directly
5 any assistance to the government of any country whose
6 duly elected head of government is deposed by military
7 coup or decree: *Provided*, That assistance may be resumed
8 to such government if the President determines and cer-
9 tifies to the Committees on Appropriations that subse-
10 quent to the termination of assistance a democratically
11 elected government has taken office: *Provided further*,
12 That the provisions of this section shall not apply to as-
13 sistance to promote democratic elections or public partici-
14 pation in democratic processes: *Provided further*, That
15 funds made available pursuant to the previous provisos
16 shall be subject to the regular notification procedures of
17 the Committees on Appropriations.

TRANSFER AUTHORITY

18
19 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
20 CASTING BOARD OF GOVERNORS.—Not to exceed 5 per-
21 cent of any appropriation made available for the current
22 fiscal year for the Department of State under title I of
23 this Act may be transferred between such appropriations,
24 but no such appropriation, except as otherwise specifically
25 provided, shall be increased by more than 10 percent by

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

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

1 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
2 CIES.—

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

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

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

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

14 REPORTING REQUIREMENT

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

1 AVAILABILITY OF FUNDS

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

23 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

24 SEC. 7012. No part of any appropriation provided
25 under titles III through VI in this Act shall be used to

1 furnish assistance to the government of any country which
2 is in default during a period in excess of one calendar year
3 in payment to the United States of principal or interest
4 on any loan made to the government of such country by
5 the United States pursuant to a program for which funds
6 are appropriated under this Act unless the President de-
7 termines, following consultations with the Committees on
8 Appropriations, that assistance to such country is in the
9 national interest of the United States.

10 PROHIBITION ON TAXATION OF UNITED STATES

11 ASSISTANCE

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

24 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
25 amount equivalent to 200 percent of the total taxes as-

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

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

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

22 (e) DETERMINATIONS.—

23 (1) The provisions of this section shall not
24 apply to any country or entity the Secretary of State
25 determines—

1 (A) does not assess taxes on United States
2 assistance or which has an effective arrange-
3 ment that is providing substantial reimburse-
4 ment of such taxes; or

5 (B) the foreign policy interests of the
6 United States outweigh the purpose of this sec-
7 tion to ensure that United States assistance is
8 not subject to taxation.

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

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

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

18 (1) the terms “taxes” and “taxation” refer to
19 value added taxes and customs duties imposed on
20 commodities financed with United States assistance
21 for programs for which funds are appropriated by
22 this Act; and

23 (2) the term “bilateral agreement” refers to a
24 framework bilateral agreement between the Govern-
25 ment of the United States and the government of

1 the country receiving assistance that describes the
2 privileges and immunities applicable to United
3 States foreign assistance for such country generally,
4 or an individual agreement between the Government
5 of the United States and such government that de-
6 scribes, among other things, the treatment for tax
7 purposes that will be accorded the United States as-
8 sistance provided under that agreement.

9 RESERVATIONS OF FUNDS

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

21 (b) In addition to the authority contained in sub-
22 section (a), the original period of availability of funds ap-
23 propriated by this Act and administered by the United
24 States Agency for International Development that are spe-
25 cifically designated for particular programs or activities by

1 this or any other Act shall be extended for an additional
2 fiscal year if the Administrator of such agency determines
3 and reports promptly to the Committees on Appropria-
4 tions that the termination of assistance to a country or
5 a significant change in circumstances makes it unlikely
6 that such designated funds can be obligated during the
7 original period of availability: *Provided*, That such des-
8 ignated funds that continue to be available for an addi-
9 tional fiscal year shall be obligated only for the purpose
10 of such designation.

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

19 REPROGRAMMING NOTIFICATION REQUIREMENTS

20 SEC. 7015. (a) None of the funds made available in
21 title I of this Act, or in prior appropriations Acts to the
22 agencies and departments funded by this Act that remain
23 available for obligation or expenditure in fiscal year 2010,
24 or provided from any accounts in the Treasury of the
25 United States derived by the collection of fees or of cur-

1 rency reflows or other offsetting collections, or made avail-
2 able by transfer, to the agencies and departments funded
3 by this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds that: (1) creates new
5 programs; (2) eliminates a program, project, or activity;
6 (3) increases funds or personnel by any means for any
7 project or activity for which funds have been denied or
8 restricted; (4) relocates an office or employees; (5) closes
9 or opens a mission or post; (6) reorganizes or renames
10 offices; (7) reorganizes programs or activities; or (8) con-
11 tracts out or privatizes any functions or activities pres-
12 ently performed by Federal employees; unless the Commit-
13 tees on Appropriations are notified 15 days in advance of
14 such reprogramming of funds.

15 (b) For the purposes of providing the executive
16 branch with the necessary administrative flexibility, none
17 of the funds provided under title I of this Act, or provided
18 under previous appropriations Acts to the agency or de-
19 partment funded under title I of this Act that remain
20 available for obligation or expenditure in fiscal year 2010,
21 or provided from any accounts in the Treasury of the
22 United States derived by the collection of fees available
23 to the agency or department funded by title I of this Act,
24 shall be available for obligation or expenditure for activi-
25 ties, programs, or projects through a reprogramming of

1 funds in excess of \$1,000,000 or 10 percent, whichever
2 is less, that: (1) augments existing programs, projects, or
3 activities; (2) reduces by 10 percent funding for any exist-
4 ing program, project, or activity, or numbers of personnel
5 by 10 percent as approved by Congress; or (3) results from
6 any general savings, including savings from a reduction
7 in personnel, which would result in a change in existing
8 programs, activities, or projects as approved by Congress;
9 unless the Committees on Appropriations are notified 15
10 days in advance of such reprogramming of funds.

11 (c) For the purposes of providing the executive
12 branch with the necessary administrative flexibility, none
13 of the funds made available under titles II through V in
14 this Act under the headings “Global Health and Child
15 Survival”, “Development Assistance”, “International Or-
16 ganizations and Programs”, “Trade and Development
17 Agency”, “International Narcotics Control and Law En-
18 forcement”, “Assistance for Europe, Eurasia and Central
19 Asia”, “Economic Support Fund”, “Democracy Fund”,
20 “Peacekeeping Operations”, “Capital Investment Fund”,
21 “Operating Expenses”, “Civilian Stabilization Initiative”,
22 “Office of Inspector General”, “Nonproliferation, Anti-
23 terrorism, Demining and Related Programs”, “Millen-
24 nium Challenge Corporation”, “Foreign Military Financ-
25 ing Program”, “International Military Education and

1 Training”, “Peace Corps”, and “Migration and Refugee
2 Assistance”, shall be available for obligation for activities,
3 programs, projects, type of materiel assistance, countries,
4 or other operations not justified or in excess of the amount
5 justified to the Committees on Appropriations for obliga-
6 tion under any of these specific headings unless the Com-
7 mittees on Appropriations are previously notified 15 days
8 in advance: *Provided*, That the President shall not enter
9 into any commitment of funds appropriated for the pur-
10 poses of section 23 of the Arms Export Control Act for
11 the provision of major defense equipment, other than con-
12 ventional ammunition, or other major defense items de-
13 fined to be aircraft, ships, missiles, or combat vehicles, not
14 previously justified to Congress or 20 percent in excess
15 of the quantities justified to Congress unless the Commit-
16 tees on Appropriations are notified 15 days in advance of
17 such commitment: *Provided further*, That this subsection
18 shall not apply to any reprogramming for an activity, pro-
19 gram, or project for which funds are appropriated under
20 titles II through IV of this Act of less than 10 percent
21 of the amount previously justified to the Congress for obli-
22 gation for such activity, program, or project for the cur-
23 rent fiscal year.

24 (d) Notwithstanding any other provision of law, funds
25 transferred by the Department of Defense to the Depart-

1 ment of State and the United States Agency for Inter-
2 national Development, and funds made available for pro-
3 grams authorized by section 1206 of the National Defense
4 Authorization Act for Fiscal Year 2006 (Public Law 109–
5 163), shall be subject to the regular notification proce-
6 dures of the Committees on Appropriations.

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

22 (f) None of the funds appropriated under titles III
23 through VI of this Act shall be obligated or expended for
24 assistance for Serbia, Sudan, Zimbabwe, Pakistan, Do-
25 minican Republic, Cuba, Iran, Haiti, Libya, Ethiopia,

1 Nepal, Colombia, Mexico, Kazakhstan, or Cambodia and
2 countries listed in section 7045(c)(2) and (f)(2) of this
3 Act except as provided through the regular notification
4 procedures of the Committees on Appropriations.

5 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

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

1 LIMITATION ON AVAILABILITY OF FUNDS FOR
2 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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

12 PROHIBITION ON FUNDING FOR ABORTIONS AND
13 INVOLUNTARY STERILIZATION

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

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

11 ALLOCATIONS

12 SEC. 7019. (a) Funds provided in this Act for the
13 following accounts shall be made available for programs
14 and countries in the amounts contained in the respective
15 tables included in the report accompanying this Act:

16 "Civilian Stabilization Initiative".

17 "Educational and Cultural Exchange Pro-
18 grams".

19 "International Fisheries Commissions".

20 "International Broadcasting Operations".

21 "Global Health and Child Survival".

22 "Economic Support Fund".

23 "Assistance for Europe, Eurasia and Central
24 Asia".

1 “International Narcotics Control and Law En-
2 forcement”.

3 “Nonproliferation, Anti-terrorism, Demining
4 and Related Programs”.

5 “Foreign Military Financing Program”.

6 “Peacekeeping Operations”.

7 “International Organizations and Programs”.

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

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

20 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

21 SEC. 7020. None of the funds appropriated or other-
22 wise made available by this Act under the headings “Inter-
23 national Military Education and Training” or “Foreign
24 Military Financing Program” for Informational Program
25 activities or under the headings “Global Health and Child

1 Survival”, “Development Assistance”, and “Economic
2 Support Fund” may be obligated or expended to pay for—

3 (1) alcoholic beverages; or

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

9 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
10 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
11 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
12 TERRORISM

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

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

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

13 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
14 COUNTRIES

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

- 21 (1) grants sanctuary from prosecution to any
22 individual or group which has committed an act of
23 international terrorism; or
24 (2) otherwise supports international terrorism.

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

10 AUTHORIZATION REQUIREMENTS

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

20 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

21 SEC. 7024. For the purpose of titles II through VI
22 of this Act “program, project, and activity” shall be de-
23 fined at the appropriations Act account level and shall in-
24 clude all appropriations and authorizations Acts funding
25 directives, ceilings, and limitations with the exception that

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

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

1 is conducting activities or is proposing to conduct activi-
2 ties in a country for which assistance is prohibited.

3 COMMERCE, TRADE AND SURPLUS COMMODITIES

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

24 (b) None of the funds appropriated by this or any
25 other Act to carry out chapter 1 of part I of the Foreign

1 Assistance Act of 1961 shall be available for any testing
2 or breeding feasibility study, variety improvement or intro-
3 duction, consultancy, publication, conference, or training
4 in connection with the growth or production in a foreign
5 country of an agricultural commodity for export which
6 would compete with a similar commodity grown or pro-
7 duced in the United States: *Provided*, That this subsection
8 shall not prohibit—

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

13 (2) research activities intended primarily to
14 benefit American producers.

15 (c) The Secretary of the Treasury shall instruct the
16 United States Executive Directors of the International
17 Bank for Reconstruction and Development, the Inter-
18 national Development Association, the International Fi-
19 nance Corporation, the Inter-American Development
20 Bank, the International Monetary Fund, the Asian Devel-
21 opment Bank, the Inter-American Investment Corpora-
22 tion, the North American Development Bank, the Euro-
23 pean Bank for Reconstruction and Development, the Afri-
24 can Development Bank, and the African Development
25 Fund to use the voice and vote of the United States to

1 oppose any assistance by these institutions, using funds
2 appropriated or made available pursuant to titles III
3 through VI of this Act, for the production or extraction
4 of any commodity or mineral for export, if it is in surplus
5 on world markets and if the assistance will cause substan-
6 tial injury to United States producers of the same, similar,
7 or competing commodity.

8 SEPARATE ACCOUNTS

9 SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL
10 CURRENCIES.—

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

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

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

23 (i) the amount of the local currencies
24 to be generated; and

1 (ii) the terms and conditions under
2 which the currencies so deposited may be
3 utilized, consistent with this section; and

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

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

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

18 (i) project and sector assistance activi-
19 ties; or

20 (ii) debt and deficit financing; or

21 (B) for the administrative requirements of
22 the United States Government.

23 (3) PROGRAMMING ACCOUNTABILITY.—The
24 United States Agency for International Development
25 shall take all necessary steps to ensure that the

1 equivalent of the local currencies disbursed pursuant
2 to subsection (a)(2)(A) from the separate account
3 established pursuant to subsection (a)(1) are used
4 for the purposes agreed upon pursuant to subsection
5 (a)(2).

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

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

1 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

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

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

1 served by the assistance (including, as appropriate,
2 a description of the economic policy reforms that will
3 be promoted by such assistance).

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

8 ELIGIBILITY FOR ASSISTANCE

9 SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERN-
10 MENTAL ORGANIZATIONS.—Restrictions contained in this
11 or any other Act with respect to assistance for a country
12 shall not be construed to restrict assistance in support of
13 programs of nongovernmental organizations from funds
14 appropriated by this Act to carry out the provisions of
15 chapters 1, 10, 11, and 12 of part I and chapter 4 of
16 part II of the Foreign Assistance Act of 1961, and from
17 funds appropriated under the heading “Assistance for Eu-
18 rope, Eurasia and Central Asia”: *Provided*, That before
19 using the authority of this subsection to furnish assistance
20 in support of programs of nongovernmental organizations,
21 the President shall notify the Committees on Appropria-
22 tions under the regular notification procedures of those
23 committees, including a description of the program to be
24 assisted, the assistance to be provided, and the reasons
25 for furnishing such assistance: *Provided further*, That

1 nothing in this subsection shall be construed to alter any
2 existing statutory prohibitions against abortion or involun-
3 tary sterilizations contained in this or any other Act.

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

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

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

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

1 IMPACT ON JOBS IN THE UNITED STATES

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

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

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

1 INTERNATIONAL FINANCIAL INSTITUTIONS

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

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

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

9 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

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

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

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

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

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

22 (3) ADMINISTRATION.—The Facility, as defined
23 in section 702(8) of the Foreign Assistance Act of
24 1961, shall notify the administrator of the agency
25 primarily responsible for administering part I of the

1 Foreign Assistance Act of 1961 of purchasers that
2 the President has determined to be eligible, and
3 shall direct such agency to carry out the sale, reduc-
4 tion, or cancellation of a loan pursuant to this sec-
5 tion. Such agency shall make adjustment in its ac-
6 counts to reflect the sale, reduction, or cancellation.

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

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

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

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

1 concerning the amount of loans to be sold, reduced, or
2 canceled and their uses for debt-for-equity swaps, debt-
3 for-development swaps, or debt-for-nature swaps.

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

8 SPECIAL DEBT RELIEF FOR THE POOREST

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

13 (1) guarantees issued under sections 221 and
14 222 of the Foreign Assistance Act of 1961;

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

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

1 808), or section 202 of the Agricultural Trade Act
2 of 1978, as amended (Public Law 95–501).

3 (b) LIMITATIONS.—

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

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

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

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

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

24 (2) has not repeatedly provided support for acts
25 of international terrorism;

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

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

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

23 (c) SMALL BUSINESS.—In entering into multiple
24 award indefinite-quantity contracts with funds appro-
25 priated by this Act, the United States Agency for Inter-

1 national Development may provide an exception to the fair
2 opportunity process for placing task orders under such
3 contracts when the order is placed with any category of
4 small or small disadvantaged business.

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

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

18 (f) INTERNATIONAL PRISON CONDITIONS.—Funds
19 appropriated by this Act to carry out the provisions of
20 chapters 1 and 11 of part I and chapter 4 of part II of
21 the Foreign Assistance Act of 1961, and the Support for
22 East European Democracy (SEED) Act of 1989, shall be
23 made available notwithstanding section 660 of the Foreign
24 Assistance Act of 1961 for assistance to address inhumane
25 conditions in prisons and other detention facilities admin-

1 istered by foreign governments that the Secretary of State
2 determines are making efforts to address, among other
3 things, prisoners' health, sanitation, nutrition and other
4 basic needs.

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

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

9 (A) in subsection (b)(3), by striking “and
10 2009” and inserting “2009, and 2010”; and

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

13 (2) in section 599E (8 U.S.C. 1255 note) in
14 subsection (b)(2), by striking “2009” and inserting
15 “2010”.

16 (h) WORLD FOOD PROGRAM.—Of the funds managed
17 by the Bureau for Democracy, Conflict, and Humanitarian
18 Assistance of the United States Agency for International
19 Development, from this or any other Act, not less than
20 \$10,000,000 shall be made available as a general contribu-
21 tion to the World Food Program, notwithstanding any
22 other provision of law.

23 (i) DISARMAMENT, DEMOBILIZATION AND RE-
24 INTEGRATION.—Notwithstanding any other provision of
25 law, regulation or Executive order, funds appropriated by

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

16 (j) PROGRAM FOR RESEARCH AND TRAINING ON
17 EASTERN EUROPE AND THE INDEPENDENT STATES OF
18 THE FORMER SOVIET UNION.—Of the funds appropriated
19 by this Act under the heading, “Economic Support Fund”,
20 not less than \$5,000,000 shall be made available to carry
21 out the Program for Research and Training on Eastern
22 Europe and the Independent States of the Former Soviet
23 Union (title VIII) as authorized by the Soviet-Eastern Eu-
24 ropean Research and Training Act of 1983 (22 U.S.C.
25 4501–4508, as amended).

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

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

16 ARAB LEAGUE BOYCOTT OF ISRAEL

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

18 (1) the Arab League boycott of Israel, and the
19 secondary boycott of American firms that have com-
20 mercial ties with Israel, is an impediment to peace
21 in the region and to United States investment and
22 trade in the Middle East and North Africa;

23 (2) the Arab League boycott, which was regret-
24 tably reinstated in 1997, should be immediately and

1 publicly terminated, and the Central Office for the
2 Boycott of Israel immediately disbanded;

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

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

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

21 PALESTINIAN STATEHOOD

22 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None
23 of the funds appropriated under titles III through VI of
24 this Act may be provided to support a Palestinian state

1 unless the Secretary of State determines and certifies to
2 the appropriate congressional committees that—

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

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

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

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

21 (A) termination of all claims or states of
22 belligerency;

23 (B) respect for and acknowledgment of the
24 sovereignty, territorial integrity, and political
25 independence of every state in the area through

1 measures including the establishment of demili-
2 tarized zones;

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

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

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

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

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

19 (d) EXEMPTION.—The restriction in subsection (a)
20 shall not apply to assistance intended to help reform the
21 Palestinian Authority and affiliated institutions, or the
22 governing entity, in order to help meet the requirements
23 of subsection (a), consistent with the provisions of section
24 7040 of this Act (“Limitation on Assistance to the Pales-
25 tinian Authority”).

1 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
2 BROADCASTING CORPORATION

3 SEC. 7038. None of the funds appropriated or other-
4 wise made available by this Act may be used to provide
5 equipment, technical support, consulting services, or any
6 other form of assistance to the Palestinian Broadcasting
7 Corporation.

8 ASSISTANCE FOR THE WEST BANK AND GAZA

9 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2010,
10 30 days prior to the initial obligation of funds for the bi-
11 lateral West Bank and Gaza Program, the Secretary of
12 State shall certify to the Committees on Appropriations
13 that procedures have been established to assure the Comp-
14 troller General of the United States will have access to
15 appropriate United States financial information in order
16 to review the uses of United States assistance for the Pro-
17 gram funded under the heading “Economic Support
18 Fund” for the West Bank and Gaza.

19 (b) VETTING.—Prior to the obligation of funds ap-
20 propriated by this Act under the heading “Economic Sup-
21 port Fund” for assistance for the West Bank and Gaza,
22 the Secretary of State shall take all appropriate steps to
23 ensure that such assistance is not provided to or through
24 any individual, private or government entity, or edu-
25 cational institution that the Secretary knows or has reason

1 to believe advocates, plans, sponsors, engages in, or has
2 engaged in, terrorist activity nor, with respect to private
3 entities or educational institutions, those that have as a
4 principal officer of the entity's governing board or gov-
5 erning board of trustees any individual that has been de-
6 termined to be involved in, or advocating terrorist activity
7 or determined to be a member of a designated foreign ter-
8 rorist organization. The Secretary of State shall, as appro-
9 priate, establish procedures specifying the steps to be
10 taken in carrying out this subsection and shall terminate
11 assistance to any individual, entity, or educational institu-
12 tion which the Secretary has determined to be involved
13 in or advocating terrorist activity.

14 (c) PROHIBITION.—

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

21 (2) Notwithstanding any other provision of law,
22 none of the funds made available by this or prior ap-
23 propriations act, including funds made available by
24 transfer, may be made available for obligation for se-
25 curity assistance for the West Bank and Gaza until

1 the Secretary of State reports to the Committees on
2 Appropriations on the benchmarks that have been
3 established for security assistance for the West
4 Bank and Gaza and reports on the extent of Pales-
5 tinian compliance with such benchmarks.

6 (d) AUDITS.—

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

15 (2) Of the funds appropriated by this Act up to
16 \$500,000 may be used by the Office of the Inspector
17 General of the United States Agency for Inter-
18 national Development for audits, inspections, and
19 other activities in furtherance of the requirements of
20 this subsection. Such funds are in addition to funds
21 otherwise available for such purposes.

22 (e) Subsequent to the certification specified in sub-
23 section (a), the Comptroller General of the United States
24 shall conduct an audit and an investigation of the treat-
25 ment, handling, and uses of all funds for the bilateral

1 (b) WAIVER.—The prohibition included in subsection
2 (a) shall not apply if the President certifies in writing to
3 the Speaker of the House of Representatives, the Presi-
4 dent pro tempore of the Senate, and the Committees on
5 Appropriations that waiving such prohibition is important
6 to the national security interests of the United States.

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

11 (d) REPORT.—Whenever the waiver authority pursu-
12 ant to subsection (b) is exercised, the President shall sub-
13 mit a report to the Committees on Appropriations detail-
14 ing the justification for the waiver, the purposes for which
15 the funds will be spent, and the accounting procedures in
16 place to ensure that the funds are properly disbursed. The
17 report shall also detail the steps the Palestinian Authority
18 has taken to arrest terrorists, confiscate weapons and dis-
19 mantle the terrorist infrastructure.

20 (e) CERTIFICATION.—If the President exercises the
21 waiver authority under subsection (b), the Secretary of
22 State must certify and report to the Committees on Ap-
23 propriations prior to the obligation of funds that the Pal-
24 estinian Authority has established a single treasury ac-
25 count for all Palestinian Authority financing and all fi-

1 nancing mechanisms flow through this account, no parallel
2 financing mechanisms exist outside of the Palestinian Au-
3 thority treasury account, and there is a single comprehen-
4 sive civil service roster and payroll.

5 (f) PROHIBITION TO HAMAS AND THE PALESTINE
6 LIBERATION ORGANIZATION.—

7 (1) None of the funds appropriated in titles III
8 through VI of this Act may be obligated for salaries
9 of personnel of the Palestinian Authority located in
10 Gaza or may be obligated or expended for assistance
11 to Hamas or any entity effectively controlled by
12 Hamas or any power-sharing government of which
13 Hamas is a member.

14 (2) Notwithstanding the limitation of subsection
15 (1), assistance may be provided to a power-sharing
16 government only if the President certifies and re-
17 ports to the Committees on Appropriations that such
18 government, including all of its ministers or such
19 equivalent, has publicly accepted and is complying
20 with the principles contained in section
21 620K(b)(1)(A) and (B) of the Foreign Assistance
22 Act of 1961, as amended.

23 (3) The President may exercise the authority in
24 section 620K(e) of the Foreign Assistance Act as
25 added by the Palestinian Anti-Terrorism Act of

1 international terrorism and such assistance will facilitate
2 these efforts.

3 IRAQ

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

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

15 IRAN

16 SEC. 7043. (a) DIPLOMACY WITH IRAN.—Not later
17 than 90 days after the enactment of this Act and every
18 90 days thereafter, the Secretary of State shall report to
19 the Committees on Appropriations, in classified form if
20 necessary, on the status and progress of diplomatic efforts
21 aimed at curtailing the pursuit by Iran of nuclear weapons
22 technology.

23 (b) LIMITATION ON THE USE OF FUNDS BY THE EX-
24 PORT-IMPORT BANK RELATED TO IRAN.—None of the
25 funds made available in Title VI under the headings “Pro-

1 gram Account” and “Subsidy Appropriation” may be used
2 by the Export-Import Bank of the United States to guar-
3 antee, insure, or extend credit for any project controlled
4 by an energy producer or refiner that provides the Islamic
5 Republic of Iran with significant refined petroleum re-
6 sources, that materially contributes to Iran’s capability to
7 import refined petroleum resources, or that allows Iran to
8 maintain or expand, in any material respect, its domestic
9 production of refined petroleum resources, including any
10 assistance in refinery construction, modernization, or re-
11 pair.

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

20 (1) A list of all current United States bilateral
21 and multilateral sanctions against Iran;

22 (2) A list of all United States and foreign reg-
23 istered entities which the Secretary of State has rea-
24 son to believe may be in violation of existing United
25 States bilateral and multilateral sanctions;

1 the use of Lebanon as a safe haven for terrorist groups
2 and implementing United Nations Security Council Reso-
3 lution 1701.

4 (b) None of the funds in subsection (a) may be made
5 available for obligation until after the Secretary of State
6 provides the Committees on Appropriations a detailed
7 spending plan, which shall include a strategy for profes-
8 sionalizing the Lebanese Armed Forces, strengthening
9 border security and combating terrorism in Lebanon.

10

WESTERN HEMISPHERE

11

SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the
12 funds appropriated by this Act not less than \$10,000,000
13 from “Development Assistance” and not less than
14 \$10,000,000 from “Economic Support Fund” shall be
15 made available for labor and environmental capacity build-
16 ing activities relating to the free trade agreements with
17 countries of Central America, Peru and the Dominican
18 Republic.

19

(b) ASSISTANCE FOR HAITI.—

20

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

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

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

17 (c) CARIBBEAN BASIN SECURITY INITIATIVE.—Of
18 the funds appropriated under the headings “Development
19 Assistance”, “Economic Support Fund”, “International
20 Narcotics Control and Law Enforcement”, and “Foreign
21 Military Financing Program” in this Act, up to
22 \$37,000,000 may be made available to provide equipment
23 and training for counternarcotics forces to combat drug
24 trafficking and related violence and organized crime, and
25 for judicial reform, institution building, education, anti-

1 corruption, rule of law activities, and maritime security,
2 of which not less than \$21,100,000 shall be made available
3 for social justice and education programs to include voca-
4 tional training, workforce development and juvenile justice
5 activities: *Provided*, That none of the funds made available
6 under this subsection shall be made available for budget
7 support or as cash payments.—

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

16 (2) DEFINITION.—For the purposes of this sub-
17 section, the term “countries of the Caribbean Basin”
18 means Antigua and Barbuda, The Bahamas, Bar-
19 bados, Belize, Dominica, Dominican Republic, Gre-
20 nada, Guyana, Haiti, Jamaica, St. Kitts and Nevis,
21 Saint Lucia, St. Vincent and the Grenadines,
22 Suriname, and Trinidad and Tobago.

23 (d) ASSISTANCE FOR GUATEMALA.—

24 (1) Of the funds appropriated by this Act under
25 the heading “International Narcotics Control and

1 Law Enforcement” not less than \$3,000,000 shall
2 be made available for a United States contribution
3 to the International Commission Against Impunity
4 in Guatemala (CICIG).

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

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

23 (e) ASSISTANCE FOR MEXICO.—

24 (1) ASSISTANCE.—Of the funds appropriated
25 under the headings “International Narcotics Control

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

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

22 (f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL
23 AMERICA.—Of the funds appropriated under the headings
24 “International Narcotics Control and Law Enforcement”,
25 and “Foreign Military Financing Program”, \$83,000,000

1 may be made available for assistance for the countries of
2 Central America only to combat drug trafficking and re-
3 lated violence and organized crime, and for judicial re-
4 form, institution building, anti-corruption, rule of law ac-
5 tivities, and maritime security: *Provided*, That none of the
6 funds made available under this subsection shall be made
7 available for budget support or as cash payments.

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

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

24 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—
25 To the maximum extent practicable, the costs of oper-

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

3 COLOMBIA

4 SEC. 7046. (a) ASSISTANCE FOR COLOMBIA.—Of the
5 funds appropriated under the headings “Economic Sup-
6 port Fund”, “International Narcotics Control and Law
7 Enforcement”, “Nonproliferation, Anti-terrorism,
8 Demining and Related Programs”, “International Military
9 Education and Training”, and “Foreign Military Financ-
10 ing Program” in this Act, not more than \$520,000,000
11 shall be available for assistance for Colombia.

12 (b) FUNDING.—

13 (1) Funds appropriated by this Act and made
14 available to the Department of State for assistance
15 to the Government of Colombia may be used to sup-
16 port a unified campaign against narcotics trafficking
17 and organizations designated as Foreign Terrorist
18 Organizations and successor organizations, and to
19 take actions to protect human health and welfare in
20 emergency circumstances, including undertaking res-
21 cue operations: *Provided*, That assistance made
22 available in prior Acts for the Government of Colom-
23 bia to protect the Cano-Limon pipeline may also be
24 used for purposes for which funds are made avail-
25 able under the heading “International Narcotics

1 Control and Law Enforcement’’: *Provided further*,
2 That no United States Armed Forces personnel or
3 United States civilian contractor employed by the
4 United States will participate in any combat oper-
5 ation in connection with assistance made available
6 by this Act for Colombia: *Provided further*, That ro-
7 tary and fixed wing aircraft supported with funds
8 appropriated under the heading “International Nar-
9 cotics Control and Law Enforcement” for assistance
10 for Colombia may be used for aerial or manual drug
11 eradication and interdiction including to transport
12 personnel and supplies and to provide security for
13 such operations, and to provide transport in support
14 of alternative development programs and investiga-
15 tions of cases under the jurisdiction of the Attorney
16 General, the Procuraduria General de la Nacion, and
17 the Defensoria del Pueblo: *Provided further*, That
18 the President shall ensure that if any helicopter pro-
19 cured with funds in this Act or prior Acts making
20 appropriations for the Department of State, foreign
21 operations, and related programs, is used to aid or
22 abet the operations of any illegal self-defense group,
23 paramilitary organization, illegal security cooperative
24 or successor organizations in Colombia, such heli-

1 copter shall be immediately returned to the United
2 States.

3 (2) Of the funds available under the heading
4 “International Narcotics Control and Law Enforce-
5 ment” in this Act for the Colombian national police
6 for the procurement of chemicals for aerial coca and
7 poppy eradication programs, not more than 20 per-
8 cent of such funds may be made available for such
9 eradication programs unless the Secretary of State
10 certifies to the Committees on Appropriations that:

11 (1) the herbicide is being used in accordance with
12 EPA label requirements for comparable use in the
13 United States and with Colombian laws; and (2) the
14 herbicide, in the manner it is being used, does not
15 pose unreasonable risks or adverse effects to humans
16 or the environment, including endemic species: *Pro-*
17 *vided*, That such funds may not be made available
18 unless the Secretary of State certifies to the Com-
19 mittees on Appropriations that complaints of harm
20 to health or licit crops caused by such aerial eradi-
21 cation are thoroughly evaluated and fair compensa-
22 tion is being paid in a timely manner for meritorious
23 claims: *Provided further*, That such funds may not
24 be made available for such purposes unless programs
25 are being implemented by the United States Agency

1 for International Development, the Government of
2 Colombia, or other organizations, in consultation
3 and coordination with local communities, to provide
4 alternative sources of income in areas where security
5 permits for small-acreage growers and communities
6 whose illicit crops are targeted for aerial eradication:
7 *Provided further*, That none of the funds appro-
8 priated by this Act for assistance for Colombia shall
9 be made available for the cultivation or processing of
10 African oil palm, if doing so would contribute to sig-
11 nificant loss of native species, disrupt or contami-
12 nate natural water sources, reduce local food secu-
13 rity, or cause the forced displacement of local people:
14 *Provided further*, That funds appropriated by this
15 Act may be used for aerial eradication in Colombia's
16 national parks or reserves only if the Secretary of
17 State certifies to the Committees on Appropriations
18 on a case-by-case basis that there are no effective al-
19 ternatives and the eradication is conducted in ac-
20 cordance with Colombian laws.

21 (c) APPLICABILITY OF FISCAL YEAR 2009 PROVI-
22 SIONS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the provisions of subsections (b) through
25 (f) of section 7046 of the Department of State, For-

1 eign Operations, and Related Programs Appropria-
2 tions Act, 2009 (division H of Public Law 111-8)
3 shall apply to funds appropriated or otherwise made
4 available by this Act for assistance for Colombia to
5 the same extent and in the same manner as such
6 provisions of law applied to funds appropriated or
7 otherwise made available by such other Act for as-
8 sistance for Colombia.

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

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

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

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

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

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

11 (E) Subsection (d)(1) is amended—

12 (i) by striking “\$16,769,000” and in-
13 serting “\$18,606,000”; and

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

16 COMMUNITY-BASED POLICE ASSISTANCE

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

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

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

9 PROHIBITION OF PAYMENTS TO UNITED NATIONS

10 MEMBERS

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

21 WAR CRIMES TRIBUNALS DRAWDOWN

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

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

14 PEACEKEEPING MISSIONS

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

1 the United States and the President has not submitted
2 to the Congress such a recommendation.

3 PEACEKEEPING ASSESSMENT

4 SEC. 7051. Section 404(b)(2)(B) of the Foreign Re-
5 lations Authorization Act, Fiscal Years 1994 and 1995,
6 (22 U.S.C. 287e note) is amended by striking clause (v)
7 and inserting in lieu thereof:

8 “(v) For assessments made during
9 each of the calendar years 2005, 2006,
10 2007, 2008, 2009, and 2010, 27.1 per-
11 cent.”.

12 UNITED NATIONS HUMAN RIGHTS COUNCIL

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

21 ATTENDANCE AT INTERNATIONAL CONFERENCES

22 SEC. 7053. None of the funds made available in this
23 Act may be used to send or otherwise pay for the attend-
24 ance of more than 50 employees of agencies or depart-
25 ments of the United States Government who are stationed

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

10 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

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

20 PARKING FINES AND REAL PROPERTY TAXES OWED BY

21 FOREIGN GOVERNMENTS

22 SEC. 7055. (a) Subject to subsection (c), of the funds
23 appropriated under titles III through VI by this Act that
24 are made available for assistance for a foreign country,
25 an amount equal to 110 percent of the total amount of

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

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

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

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

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

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

14 (f) In this section:

15 (1) The term “fully adjudicated” includes cir-
16 cumstances in which the person to whom the vehicle
17 is registered—

18 (A)(i) has not responded to the parking
19 violation summons; or

20 (ii) has not followed the appropriate adju-
21 dication procedure to challenge the summons;
22 and

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

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

3 (A) owed to—

4 (i) the District of Columbia; or

5 (ii) New York, New York; and

6 (B) incurred during the period April 1,
7 1997, through September 30, 2009.

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

15 LANDMINES AND CLUSTER MUNITIONS

16 SEC. 7056. (a) LANDMINES.—Notwithstanding any
17 other provision of law, demining equipment available to
18 the United States Agency for International Development
19 and the Department of State and used in support of the
20 clearance of landmines and unexploded ordnance for hu-
21 manitarian purposes may be disposed of on a grant basis
22 in foreign countries, subject to such terms and conditions
23 as the President may prescribe.

24 (b) CLUSTER MUNITIONS.—No military assistance
25 shall be furnished for cluster munitions, no defense export

1 license for cluster munitions may be issued, and no cluster
2 munitions or cluster munitions technology shall be sold or
3 transferred, unless—

4 (1) the submunitions of the cluster munitions
5 have a 99 percent or higher functioning rate; and

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

12 LIMITATION ON RESIDENCE EXPENSES

13 SEC. 7057. Of the funds appropriated or made avail-
14 able pursuant to title II of this Act, not to exceed
15 \$100,500 shall be for official residence expenses of the
16 United States Agency for International Development dur-
17 ing the current fiscal year: *Provided*, That appropriate
18 steps shall be taken to assure that, to the maximum extent
19 possible, United States-owned foreign currencies are uti-
20 lized in lieu of dollars.

21 UNITED STATES AGENCY FOR INTERNATIONAL

22 DEVELOPMENT MANAGEMENT

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 7058. (a) AUTHORITY.—Up to \$93,000,000 of
25 the funds made available in title III of this Act to carry

1 out the provisions of part I of the Foreign Assistance Act
2 of 1961, including funds appropriated under the heading
3 “Assistance for Europe, Eurasia and Central Asia”, may
4 be used by the United States Agency for International De-
5 velopment (USAID) to hire and employ individuals in the
6 United States and overseas on a limited appointment basis
7 pursuant to the authority of sections 308 and 309 of the
8 Foreign Service Act of 1980.

9 (b) RESTRICTIONS.—

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

13 (2) The authority to hire individuals contained
14 in subsection (a) shall expire on September 30,
15 2011.

16 (c) CONDITIONS.—The authority of subsection (a)
17 may only be used to the extent that an equivalent number
18 of positions that are filled by personal services contractors
19 or other non-direct hire employees of USAID, who are
20 compensated with funds appropriated to carry out part I
21 of the Foreign Assistance Act of 1961, including funds
22 appropriated under the heading “Assistance for Europe,
23 Eurasia and Central Asia”, are eliminated.

24 (d) PRIORITY SECTORS.—In exercising the authority
25 of this section, primary emphasis shall be placed on ena-

1 bling USAID to meet personnel positions in technical skill
2 areas currently encumbered by contractor or other non-
3 direct hire personnel.

4 (e) CONSULTATIONS.—The USAID Administrator
5 shall consult with the Committees on Appropriations at
6 least on a quarterly basis concerning the implementation
7 of this section.

8 (f) PROGRAM ACCOUNT CHARGED.—The account
9 charged for the cost of an individual hired and employed
10 under the authority of this section shall be the account
11 to which such individual's responsibilities primarily relate.
12 Funds made available to carry out this section may be
13 transferred to, and merged with, funds appropriated by
14 this Act in title II under the heading "Operating Ex-
15 penses".

16 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
17 viduals hired and employed by USAID, with funds made
18 available in this Act or prior Acts making appropriations
19 for the Department of State, foreign operations, and re-
20 lated programs, pursuant to the authority of section 309
21 of the Foreign Service Act of 1980, may be extended for
22 a period of up to 4 years notwithstanding the limitation
23 set forth in such section.

24 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of
25 the funds made available in subsection (a), USAID may

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

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

20 (j) TECHNICAL ADVISORS.—Up to \$13,500,000 of
21 the funds made available by this Act in title III for assist-
22 ance under the heading “Global Health and Child Sur-
23 vival”, may be used to reimburse United States Govern-
24 ment agencies, agencies of State governments, institutions
25 of higher learning, and private and voluntary organiza-

1 tions for the full cost of individuals (including for the per-
2 sonal services of such individuals) detailed or assigned to,
3 or contracted by, as the case may be, USAID for the pur-
4 pose of carrying out activities under that heading: *Pro-*
5 *vided*, That up to \$3,500,000 of the funds made available
6 by this Act for assistance under the heading “Develop-
7 ment Assistance” may be used to reimburse such agencies,
8 institutions, and organizations for such costs of such indi-
9 viduals carrying out other development assistance activi-
10 ties.

11 (k) PERSONAL SERVICES CONTRACTORS.—Funds ap-
12 propriated by this Act to carry out chapter 1 of part I,
13 chapter 4 of part II, and section 667 of the Foreign As-
14 sistance Act of 1961, and title II of the Agricultural Trade
15 Development and Assistance Act of 1954, may be used
16 by USAID to employ up to 40 personal services contrac-
17 tors in the United States, notwithstanding any other pro-
18 vision of law, for the purpose of providing direct, interim
19 support for new or expanded overseas programs and ac-
20 tivities managed by the agency until permanent direct hire
21 personnel are hired and trained: *Provided*, That not more
22 than 10 of such contractors shall be assigned to any bu-
23 reau or office: *Provided further*, That not more than 15
24 of such contractors shall be for activities related to
25 USAID’s Afghanistan program: *Provided further*, That

1 such funds appropriated to carry out title II of the Agri-
2 cultural Trade Development and Assistance Act of 1954,
3 may be made available only for personal services contrac-
4 tors assigned to the Office of Food for Peace.

5 (l) HIRING AUTHORITY.—Notwithstanding section
6 307 of the Foreign Service Act of 1980, the USAID Ad-
7 ministrator may hire up to 30 individuals under the Devel-
8 opment Leadership Initiative: *Provided*, That the author-
9 ity contained in this subsection shall expire on September
10 30, 2011.

11 GLOBAL HEALTH ACTIVITIES

12 SEC. 7059. Funds appropriated by titles III and IV
13 of this Act that are made available for bilateral assistance
14 for child survival activities or disease programs including
15 activities relating to research on, and the prevention,
16 treatment and control of, HIV/AIDS may be made avail-
17 able notwithstanding any other provision of law except for
18 the provisions under the heading “Global Health and
19 Child Survival” and the United States Leadership Against
20 HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117
21 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*,
22 That of the funds appropriated under title III of this Act,
23 not less than \$648,457,000 should be made available for
24 family planning/reproductive health, including in areas

1 where population growth threatens biodiversity or endan-
2 gered species.

3 DEVELOPMENT GRANTS PROGRAM

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

17 WOMEN IN DEVELOPMENT

18 SEC. 7061. (a) Programs funded under title III of
19 this Act shall include, where appropriate, gender consider-
20 ations in the planning, assessment, implementation, moni-
21 toring and evaluation of such programs.

22 (b) Funds made available under title III of this Act
23 shall be made available to support programs to enhance
24 economic opportunities for poor women in developing
25 countries, including increasing the number and capacity

1 of women-owned enterprises, improving property rights for
2 women, increasing access to financial services, and im-
3 proving women’s ability to participate in the global econ-
4 omy, including expanding their access to markets.

5 (c) Funds made available under title III of this Act
6 for food security and agricultural development shall take
7 into consideration the unique needs of women in agri-
8 culture development and technical assistance for women
9 farmers should be a priority.

10 GENDER-BASED VIOLENCE

11 SEC. 7062. (a) Funds appropriated under the head-
12 ings “Development Assistance” and “Economic Support
13 Fund” in this Act shall be made available for programs
14 to address sexual and gender-based violence.

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

19 EDUCATION

20 SEC. 7063. (a) BASIC EDUCATION.—

21 (1) Of the funds appropriated by title III of
22 this Act, not less than \$1,000,000,000 should be
23 made available for assistance for basic education, of
24 which not less than \$365,000,000 shall be made

1 available under the heading “Development Assist-
2 ance”.

3 (2) There shall continue to be a Coordinator of
4 United States government basic education assistance
5 in developing countries as established in section 664
6 of division J of Public Law 110-161.

7 (3) The United States Agency for International
8 Development (USAID) shall ensure that programs
9 supported by funding appropriated for basic edu-
10 cation in this Act, and prior Acts, are fully inte-
11 grated with other health, agriculture and economic
12 development funding. Programs should provide ac-
13 cess to a quality education and funding from other
14 accounts should be integrated into the economic and
15 social needs of the broader community. Schools sup-
16 ported by funding in this Act and in prior Acts
17 should serve as “Communities of Learning” and
18 should be the focal point for health, education and
19 development activities.

20 (4) USAID shall ensure that pilot programs im-
21 plemented pursuant to section 664 of division J of
22 Public Law 110-161 include “Communities of
23 Learning” in the five-year strategic plans.

24 (b) HIGHER EDUCATION.—Of the funds appropriated
25 by title III of this Act, not less than \$200,000,000 should

1 be made available for assistance for higher education, of
2 which not less than \$20,000,000 shall be made available
3 to expand higher education activities in Africa.

4 RECONCILIATION PROGRAMS

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

17 COMPREHENSIVE EXPENDITURES REPORT

18 SEC. 7065. Not later than 180 days after the date
19 of enactment of this Act, the Secretary of State shall sub-
20 mit a report to the Committees on Appropriations detail-
21 ing the total amount of United States Government ex-
22 penditures in fiscal years 2008 and 2009, by Federal
23 agency, for assistance programs and activities in each for-
24 eign country, identifying the line item as presented in the
25 President’s Budget Appendix and the purpose for which

1 (c) The Operating Group shall continue to report only
2 to the authorities that appointed them pursuant to section
3 105(f).

4 PROHIBITION ON USE OF TORTURE

5 SEC. 7068. None of the funds made available in this
6 Act shall be used in any way whatsoever to support or
7 justify the use of torture, cruel or inhumane treatment
8 by any official or contract employee of the United States
9 Government.

10 AFRICA

11 SEC. 7069. (a) EXPANDED INTERNATIONAL MILI-
12 TARY EDUCATION AND TRAINING.—

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

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

24 (b) SUDAN LIMITATION ON ASSISTANCE.—

25 (1) Subject to subsection (2):

1 (A) Notwithstanding any other provision of
2 law, none of the funds appropriated by this Act
3 may be made available for assistance for the
4 Government of Sudan.

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

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

17 (A) The Government of Sudan honors its
18 pledges to cease attacks upon civilians and dis-
19 arms and demobilizes the Janjaweed and other
20 government-supported militias.

21 (B) The Government of Sudan and all gov-
22 ernment-supported militia groups are honoring
23 their commitments made in all previous cease-
24 fire agreements.

1 (C) The Government of Sudan is allowing
2 unimpeded access to Darfur to humanitarian
3 aid organizations, the human rights investiga-
4 tion and humanitarian teams of the United Na-
5 tions, including protection officers, and an
6 international monitoring team that is based in
7 Darfur and has the support of the United
8 States.

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

11 (A) humanitarian assistance;

12 (B) assistance for the Darfur region,
13 Southern Sudan, Southern Kordofan/Nuba
14 Mountains State, Blue Nile State, and Abyei;
15 and

16 (C) assistance to support implementation
17 of the Comprehensive Peace Agreement and the
18 Darfur Peace Agreement or any other inter-
19 nationally-recognized viable peace agreement in
20 Sudan.

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

24 (5) Notwithstanding any other provision of law,
25 assistance in this Act may be made available to the

1 Government of Southern Sudan to provide non-lethal
2 military assistance, military education and training,
3 and defense services controlled under the Inter-
4 national Traffic in Arms Regulations (22 CFR
5 120.1 et seq.) if the Secretary of State—

6 (A) determines that the provision of such
7 items is in the national interest of the United
8 States; and

9 (B) not later than 15 days before the pro-
10 vision of any such assistance, notifies the Com-
11 mittees on Appropriations of such determina-
12 tion.

13 (c) WAR CRIMES IN AFRICA.—

14 (1) The Congress reaffirms its support for the
15 efforts of the International Criminal Tribunal for
16 Rwanda (ICTR) and the Special Court for Sierra
17 Leone (SCSL) to bring to justice individuals respon-
18 sible for war crimes and crimes against humanity in
19 a timely manner.

20 (2) Funds appropriated by this Act, including
21 funds for debt restructuring, may be made available
22 for assistance for the central government of a coun-
23 try in which individuals indicted by ICTR and SCSL
24 are credibly alleged to be living, if the Secretary of
25 State determines and reports to the Committees on

1 Appropriations that such government is cooperating
2 with ICTR and SCSL, including the surrender and
3 transfer of indictees in a timely manner: *Provided*,
4 That this subsection shall not apply to assistance
5 provided under section 551 of the Foreign Assist-
6 ance Act of 1961 or to project assistance under title
7 VI of this Act: *Provided further*, That the United
8 States shall use its voice and vote in the United Na-
9 tions Security Council to fully support efforts by
10 ICTR and SCSL to bring to justice individuals in-
11 dicted by such tribunals in a timely manner.

12 (3) The prohibition in subsection (2) may be
13 waived on a country-by-country basis if the Presi-
14 dent determines that doing so is in the national se-
15 curity interest of the United States: *Provided*, That
16 prior to exercising such waiver authority, the Presi-
17 dent shall submit a report to the Committees on Ap-
18 propriations, in classified form if necessary, on—

19 (A) the steps being taken to obtain the co-
20 operation of the government in surrendering the
21 indictee in question to the court of jurisdiction;

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

24 (C) the justification for exercising the
25 waiver authority.

1 (d) ZIMBABWE.—

2 (1) The Secretary of the Treasury shall instruct
3 the United States executive director to each inter-
4 national financial institution to vote against any ex-
5 tension by the respective institution of any loans to
6 the Government of Zimbabwe, except to meet basic
7 human needs or to promote democracy, unless the
8 Secretary of State determines and reports in writing
9 to the Committees on Appropriations that the rule
10 of law has been restored in Zimbabwe, including re-
11 spect for ownership and title to property, freedom of
12 speech and association, and a transition government
13 has been established that reflects the will of the peo-
14 ple as they voted in the March 2008 elections.

15 (2) None of the funds appropriated by this Act
16 shall be made available for assistance for the central
17 government of Zimbabwe, except with respect to
18 funds made available for macroeconomic growth as-
19 sistance, unless the Secretary of State makes the de-
20 termination pursuant to subsection (d)(1).

21 ASIA

22 SEC. 7070. (a) TIBET.—

23 (1) The Secretary of the Treasury should in-
24 struct the United States executive director to each
25 international financial institution to use the voice

1 and vote of the United States to support projects in
2 Tibet if such projects do not provide incentives for
3 the migration and settlement of non-Tibetans into
4 Tibet or facilitate the transfer of ownership of Ti-
5 betan land and natural resources to non-Tibetans;
6 are based on a thorough needs-assessment; foster
7 self-sufficiency of the Tibetan people and respect Ti-
8 betan culture and traditions; and are subject to ef-
9 fective monitoring.

10 (2) Notwithstanding any other provision of law,
11 not less than \$7,300,000 of the funds appropriated
12 by this Act under the heading “Economic Support
13 Fund” should be made available to nongovernmental
14 organizations to support activities which preserve
15 cultural traditions and promote sustainable develop-
16 ment and environmental conservation in Tibetan
17 communities in the Tibetan Autonomous Region and
18 in other Tibetan communities in China.

19 (b) BURMA.—

20 (1) The Secretary of the Treasury shall instruct
21 the United States executive director to each appro-
22 priate international financial institution in which the
23 United States participates, to oppose and vote
24 against the extension by such institution any loan or
25 financial or technical assistance or any other utiliza-

1 tion of funds of the respective bank to and for
2 Burma.

3 (2) Of the funds appropriated by this Act under
4 the heading “Economic Support Fund”, up to
5 \$12,000,000 may be made available for humani-
6 tarian assistance for individuals and communities
7 impacted by Cyclone Nargis and to support democ-
8 racy activities in Burma, and not less than
9 \$20,000,000 shall be made available for assistance
10 along the Burma-Thailand border, for activities of
11 Burmese student groups and other organizations lo-
12 cated outside Burma, and for the purpose of sup-
13 porting the provision of humanitarian assistance to
14 displaced Burmese along Burma’s borders: *Provided*,
15 That such funds may be made available notwith-
16 standing any other provision of law: *Provided fur-*
17 *ther*, That in addition to assistance for Burmese ref-
18 ugees provided under the heading “Migration and
19 Refugee Assistance” in this Act, not less than
20 \$4,000,000 shall be made available for community-
21 based organizations operating in Thailand to provide
22 food, medical and other humanitarian assistance to
23 internally displaced persons in eastern Burma: *Pro-*
24 *vided further*, That funds made available under this

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

3 (c) INDONESIA.—

4 (1) Of the funds appropriated by this Act under
5 the heading “Foreign Military Financing Program”,
6 not to exceed \$20,000,000 shall be made available
7 for assistance for Indonesia, of which \$2,000,000
8 shall be made available only after the Secretary of
9 State submits to the Committees on Appropriations
10 the report on Indonesia detailed under such heading
11 in the report accompanying this Act.

12 (2) Of the funds appropriated by this Act under
13 the heading “Economic Support Fund” that are
14 available for assistance for Indonesia, not less than
15 \$300,000 should be made available for grants for ca-
16 pacity building of Indonesian human rights organi-
17 zations, including in Papua.

18 (d) NORTH KOREA.—

19 (1) Funds made available under the heading
20 “Migration and Refugee Assistance” in this Act
21 should be made available for assistance for refugees
22 from North Korea.

23 (2) Of the funds made available under the
24 heading “International Broadcasting Operations” in

1 title I of this Act, not less than \$7,800,000 shall be
2 made available for broadcasts into North Korea.

3 (3) None of the funds made available under the
4 heading “Economic Support Fund” may be made
5 available for assistance for the Government of North
6 Korea unless the Secretary of State determines and
7 reports to the Committees on Appropriations in writ-
8 ing that North Korea is fulfilling its commitments
9 under the Six Party Talks agreements.

10 (e) PEOPLE’S REPUBLIC OF CHINA.—

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

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

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

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

13 (1) the Government of the Philippines is taking
14 effective steps to implement the recommendations of
15 the United Nations Special Rapporteur on
16 extrajudicial, summary or arbitrary executions, to
17 include prosecutions and convictions for extrajudicial
18 executions; sustaining the decline in the number of
19 extrajudicial executions; addressing allegations of a
20 death squad in Davao City; and strengthening gov-
21 ernment institutions working to eliminate
22 extrajudicial executions;

23 (2) the Government of the Philippines is imple-
24 menting a policy of promoting military personnel
25 who demonstrate professionalism and respect for

1 internationally recognized human rights, and is in-
2 vestigating and prosecuting military personnel and
3 others who have been credibly alleged to have vio-
4 lated such rights; and

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

9 (g) VIETNAM.—Notwithstanding any other provision
10 of law, funds appropriated under the heading “Develop-
11 ment Assistance” in this Act may be made available for
12 programs and activities in the central highlands of Viet-
13 nam, and shall be made available for environmental reme-
14 diation and related health activities in Vietnam.

15 SERBIA

16 SEC. 7071. (a) Funds appropriated by this Act may
17 be made available for assistance for the central Govern-
18 ment of Serbia after May 31, 2010, if the President has
19 made the determination and certification contained in sub-
20 section (c).

21 (b) After May 31, 2010, the Secretary of the Treas-
22 ury should instruct the United States executive directors
23 to the international financial institutions to support loans
24 and assistance to the Government of Serbia subject to the
25 conditions in subsection (c).

1 (c) The determination and certification referred to in
2 subsection (a) is a determination and a certification by
3 the President to the Committees on Appropriations that
4 the Government of Serbia is—

5 (1) cooperating with the International Criminal
6 Tribunal for the former Yugoslavia including access
7 for investigators, the provision of documents, timely
8 information on the location, movement, and sources
9 of financial support of indictees, and the surrender
10 and transfer of indictees or assistance in their ap-
11 prehension, including Ratko Mladic;

12 (2) taking steps that are consistent with the
13 Dayton Accords to end Serbian financial, political,
14 security and other support which has served to
15 maintain separate Republika Srpska institutions;
16 and

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

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

22 INDEPENDENT STATES OF THE FORMER SOVIET UNION

23 SEC. 7072. (a) None of the funds appropriated under
24 the heading “Assistance for Europe, Eurasia and Central
25 Asia” shall be made available for assistance for a govern-

1 ment of an Independent State of the former Soviet Union
2 if that government directs any action in violation of the
3 territorial integrity or national sovereignty of any other
4 Independent State of the former Soviet Union, such as
5 those violations included in the Helsinki Final Act: *Pro-*
6 *vided*, That such funds may be made available without re-
7 gard to the restriction in this subsection if the President
8 determines that to do so is in the national security interest
9 of the United States.

10 (b) Funds appropriated under the heading “Assist-
11 ance for Europe, Eurasia and Central Asia” for the Rus-
12 sian Federation, Armenia, Kazakhstan, and Uzbekistan
13 shall be subject to the regular notification procedures of
14 the Committees on Appropriations.

15 (c)(1) Of the funds appropriated under the heading
16 “Assistance for Europe, Eurasia and Central Asia” that
17 are allocated for assistance for the Government of the
18 Russian Federation, 60 percent shall be withheld from ob-
19 ligation until the President determines and certifies in
20 writing to the Committees on Appropriations that the Gov-
21 ernment of the Russian Federation—

22 (A) has terminated implementation of arrange-
23 ments to provide Iran with technical expertise, train-
24 ing, technology, or equipment necessary to develop a

1 nuclear reactor, related nuclear research facilities or
2 programs, or ballistic missile capability; and

3 (B) is providing full access to international non-
4 governmental organizations providing humanitarian
5 relief to refugees and internally displaced persons in
6 Chechnya.

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

8 (A) assistance to combat infectious diseases,
9 child survival activities, or assistance for victims of
10 trafficking in persons; and

11 (B) activities authorized under title V (Non-
12 proliferation and Disarmament Programs and Ac-
13 tivities) of the FREEDOM Support Act.

14 (d) Section 907 of the FREEDOM Support Act shall
15 not apply to—

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

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

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

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

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

8 (6) humanitarian assistance.

9 REPRESSION IN THE RUSSIAN FEDERATION

10 SEC. 7073. (a) None of the funds appropriated under
11 the heading “Assistance for Europe, Eurasia and Central
12 Asia” in this Act may be made available for the Govern-
13 ment of the Russian Federation, after 180 days from the
14 date of the enactment of this Act, unless the President
15 determines and certifies in writing to the Committees on
16 Appropriations that the Government of the Russian Fed-
17 eration:

18 (1) has implemented no statute, Executive
19 order, regulation or similar government action that
20 would discriminate, or which has as its principal ef-
21 fect discrimination, against religious groups or reli-
22 gious communities in the Russian Federation in vio-
23 lation of accepted international agreements on
24 human rights and religious freedoms to which the
25 Russian Federation is a party; and

1 (2) is—

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

5 (B) is investigating and prosecuting law
6 enforcement personnel credibly alleged to have
7 committed human rights abuses against polit-
8 ical leaders, activists and journalists; and

9 (C) is immediately releasing political lead-
10 ers, activists and journalists who remain in de-
11 tention.

12 UZBEKISTAN

13 SEC. 7074. (a) Funds appropriated by this Act may
14 be made available for assistance for the central Govern-
15 ment of Uzbekistan only if the Secretary of State deter-
16 mines and reports to the Committees on Appropriations
17 that the Government of Uzbekistan is making substantial
18 and continuing progress—

19 (1) in meeting its commitments under the
20 “Declaration on the Strategic Partnership and Co-
21 operation Framework Between the Republic of
22 Uzbekistan and the United States of America”, in-
23 cluding respect for internationally recognized human
24 rights, establishing a genuine multi-party system,

1 and ensuring free and fair elections, freedom of ex-
2 pression, and the independence of the media; and

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

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

15 (c) The restriction in subsection (b) shall cease to
16 apply if the Secretary determines and reports to the Com-
17 mittees on Appropriations that the Government of
18 Uzbekistan has taken concrete and measurable steps to
19 improve respect for internationally recognized human
20 rights, including allowing peaceful political and religious
21 expression, releasing imprisoned human rights defenders,
22 and implementing recommendations made by the United
23 Nations on torture.

24 (d) The Secretary may waive the application of sub-
25 section (b) if the Secretary determines that admission to

1 the United States is necessary to attend the United Na-
2 tions or to further United States law enforcement objec-
3 tives.

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

6 AFGHANISTAN

7 SEC. 7075. (a) IN GENERAL.—Funds appropriated
8 under the heading “Economic Support Fund” that are
9 available for assistance for Afghanistan shall be made
10 available, to the maximum extent practicable, in a manner
11 that utilizes Afghan entities and emphasizes the participa-
12 tion of Afghan women and directly improves the security,
13 economic and social well-being, and political status, of Af-
14 ghan women and girls.

15 (b) ASSISTANCE FOR WOMEN AND GIRLS.—

16 (1) Funds appropriated in title III of this Act
17 for assistance for Afghanistan shall comply with sec-
18 tions 7061 and 7062 of this Act and shall be made
19 available to support programs that increase partici-
20 pation by women in the political process, including
21 at the national, provincial, and sub-provincial levels,
22 and in efforts to improve security in Afghanistan.

23 (2) Of the funds appropriated under the head-
24 ings “Economic Support Fund” and “International
25 Narcotics Control and Law Enforcement”, not less

1 than \$175,000,000 shall be made available to sup-
2 port programs that directly address the needs of Af-
3 ghan women and girls, including for the Afghan
4 Independent Human Rights Commission, the Afghan
5 Ministry of Women’s Affairs, and for women-led
6 nongovernmental organizations.

7 (c) NATIONAL SOLIDARITY PROGRAM.—Of the funds
8 appropriated under the heading “Economic Support
9 Fund” that are available for assistance for Afghanistan,
10 not less than \$175,000,000 shall be made available for
11 the National Solidarity Program.

12 (d) ANTICORRUPTION.—Ten percent of the funds ap-
13 propriated under the heading “International Narcotics
14 Control and Law Enforcement” that are available for as-
15 sistance for the Government of Afghanistan shall be with-
16 held from obligation until the Secretary of State reports
17 to the Committees on Appropriations that the Government
18 of Afghanistan is implementing a policy to promptly re-
19 move from office any government official who is credibly
20 alleged to have engaged in narcotics trafficking, gross vio-
21 lations of internationally recognized human rights, or
22 other major crimes.

23 (e) BASE RIGHTS.—None of the funds made available
24 by this Act may be used by the United States Government

1 to enter into a permanent basing rights agreement be-
2 tween the United States and Afghanistan.

3 ENTERPRISE FUNDS

4 SEC. 7076. (a) Prior to the distribution of any assets
5 resulting from any liquidation, dissolution, or winding up
6 of an Enterprise Fund, in whole or in part, the President
7 shall submit to the Committees on Appropriations, in ac-
8 cordance with the regular notification procedures of the
9 Committees on Appropriations, a plan for the distribution
10 of the assets of the Enterprise Fund.

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

17 UNITED NATIONS POPULATION FUND

18 SEC. 7077. (a) CONTRIBUTION.—Of the funds made
19 available under the heading “International Organizations
20 and Programs” in this Act for fiscal year 2010,
21 \$60,000,000 shall be made available for the United Na-
22 tions Population Fund (UNFPA).

23 (b) AVAILABILITY OF FUNDS.—Funds appropriated
24 by this Act for UNFPA, that are not made available for
25 UNFPA because of the operation of any provision of law,

1 shall be transferred to the “Global Health and Child Sur-
2 vival” account and shall be made available for family plan-
3 ning, maternal, and reproductive health activities, subject
4 to the regular notification procedures of the Committees
5 on Appropriations.

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

10 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
11 Funds made available by this Act for UNFPA may not
12 be made available to UNFPA unless—

13 (1) UNFPA maintains funds made available to
14 UNFPA under this section in an account separate
15 from other accounts of UNFPA;

16 (2) UNFPA does not commingle amounts made
17 available to UNFPA under this section with other
18 sums; and

19 (3) UNFPA does not fund abortions.

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

22 (1) Not later than 4 months after the date of
23 enactment of this Act, the Secretary of State shall
24 submit a report to the Committees on Appropria-
25 tions indicating the amount of funds that the

1 UNFPA is budgeting for the year in which the re-
2 port is submitted for a country program in the Peo-
3 ple's Republic of China.

4 (2) If a report under paragraph (1) indicates
5 that the UNFPA plans to spend funds for a country
6 program in the People's Republic of China in the
7 year covered by the report, then the amount of such
8 funds the UNFPA plans to spend in the People's
9 Republic of China shall be deducted from the funds
10 made available to the UNFPA after March 1 for ob-
11 ligation for the remainder of the fiscal year in which
12 the report is submitted.

13 PROHIBITION ON PUBLICITY OR PROPAGANDA

14 SEC. 7078. No part of any appropriation contained
15 in this Act shall be used for publicity or propaganda pur-
16 poses within the United States not authorized before the
17 date of the enactment of this Act by the Congress: *Pro-*
18 *vided*, That not to exceed \$25,000 may be made available
19 to carry out the provisions of section 316 of Public Law
20 96-533.

21 OPIC

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 7079. Whenever the President determines that
24 it is in furtherance of the purposes of the Foreign Assist-
25 ance Act of 1961, up to a total of \$20,000,000 of the

1 funds appropriated under title III of this Act may be
2 transferred to, and merged with, funds appropriated by
3 this Act for the Overseas Private Investment Corporation
4 Program Account, to be subject to the terms and condi-
5 tions of that account: *Provided*, That such funds shall not
6 be available for administrative expenses of the Overseas
7 Private Investment Corporation: *Provided further*, That
8 designated funding levels in this Act shall not be trans-
9 ferred pursuant to this section: *Provided further*, That the
10 exercise of such authority shall be subject to the regular
11 notification procedures of the Committees on Appropria-
12 tions.

13 EXTRADITION

14 SEC. 7080. (a) None of the funds appropriated in this
15 Act may be used to provide assistance (other than funds
16 provided under the headings “International Narcotics
17 Control and Law Enforcement”, “Migration and Refugee
18 Assistance,” “Emergency Migration and Refugee Assist-
19 ance”, and “Nonproliferation, Anti-terrorism, Demining
20 and Related Assistance”) for the central government of
21 a country which has notified the Department of State of
22 its refusal to extradite to the United States any individual
23 indicted for a criminal offense for which the maximum
24 penalty is life imprisonment without the possibility of pa-

1 role or for killing a law enforcement officer, as specified
2 in a United States extradition request.

3 (b) Subsection (a) shall only apply to the central gov-
4 ernment of a country with which the United States main-
5 tains diplomatic relations and with which the United
6 States has an extradition treaty and the government of
7 that country is in violation of the terms and conditions
8 of the treaty.

9 (c) The Secretary of State may waive the restriction
10 in subsection (a) on a case-by-case basis if the Secretary
11 certifies to the Committees on Appropriations that such
12 waiver is important to the national interests of the United
13 States.

14 ENERGY AND ENVIRONMENT

15 SEC. 7081. (a) CLEAN ENERGY.—Of the funds ap-
16 propriated by title III of this Act, not less than
17 \$180,000,000 shall be made available to the United States
18 Agency for International Development (USAID), in addi-
19 tion to funds otherwise made available for such purposes,
20 for programs and activities that reduce global warming by
21 promoting the sustainable use of renewable energy tech-
22 nologies and energy efficient end-use technologies, carbon
23 sequestration, and carbon accounting: *Provided*, That of
24 the amount made available to USAID for clean energy

1 programs, \$10,000,000 shall be made available for the
2 “Solar Energy Microfinance Initiative”.

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

15 (c) BIODIVERSITY.—Of the funds appropriated by
16 title III of this Act, not less than \$200,000,000 shall be
17 made available for programs and activities which directly
18 protect biodiversity, including tropical forests and wildlife,
19 in developing countries, of which not less than
20 \$25,000,000 shall be made available for USAID’s con-
21 servation programs in the Amazon Basin: *Provided*, That
22 of the funds made available under this paragraph, not less
23 than \$17,500,000 shall be made available for the Congo
24 Basin Forest Partnership: *Provided further*, That funds
25 appropriated by this Act to carry out the provisions of sec-

1 tions 103 through 106, and chapter 4 of part II, of the
2 Foreign Assistance Act of 1961 may be used, notwith-
3 standing any other provision of law, for the purpose of
4 supporting tropical forestry and biodiversity conservation
5 activities and energy programs aimed at reducing green-
6 house gas emissions: *Provided further*, That funds appro-
7 priated under the heading “Development Assistance” may
8 be made available as a contribution to the Galapagos
9 Invasive Species Fund.

10 (d) EXTRACTION OF NATURAL RESOURCES.—

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

20 (A) accurately accounting for payments for
21 companies involved in the extraction and export
22 of natural resources;

23 (B) the independent auditing of accounts
24 receiving such payments and the widespread

1 public dissemination of the findings of such au-
2 dits; and

3 (C) verifying government receipts against
4 company payments including widespread dis-
5 semination of such payment information, and
6 disclosing such documents as Host Government
7 Agreements, Concession Agreements, and bid-
8 ding documents, allowing in any such dissemi-
9 nation or disclosure for the redaction of, or ex-
10 ceptions for, information that is commercially
11 proprietary or that would create competitive
12 disadvantage.

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

1 PROHIBITION ON PROMOTION OF TOBACCO

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

9 COMMERCIAL LEASING OF DEFENSE ARTICLES

10 SEC. 7083. Notwithstanding any other provision of
11 law, and subject to the regular notification procedures of
12 the Committees on Appropriations, the authority of sec-
13 tion 23(a) of the Arms Export Control Act may be used
14 to provide financing to Israel, Egypt and NATO and
15 major non-NATO allies for the procurement by leasing
16 (including leasing with an option to purchase) of defense
17 articles from United States commercial suppliers, not in-
18 cluding Major Defense Equipment (other than helicopters
19 and other types of aircraft having possible civilian applica-
20 tion), if the President determines that there are compel-
21 ling foreign policy or national security reasons for those
22 defense articles being provided by commercial lease rather
23 than by government-to-government sale under such Act.

1 TRANSPARENCY AND ACCOUNTABILITY

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

12 (b) NATIONAL BUDGET TRANSPARENCY.—

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

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

23 SRI LANKA

24 SEC. 7085. (a) IN GENERAL.—Funds appropriated
25 in title III of this Act that are available for assistance

1 for Sri Lanka shall be made available to fund programs
2 that promote reconciliation between the ethnic Sinhalese
3 and Tamil communities, support post-conflict reconstruc-
4 tion, and establish a meaningful and inclusive role for
5 Tamil and other minorities in national, political, and eco-
6 nomic life.

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

13 (c) DEMINING.—In addition to subsection (a), up to
14 \$1,000,000 of the funds appropriated under the heading
15 “Nonproliferation, Anti-terrorism, Demining and Related
16 Programs” shall be provided for demining of conflict af-
17 fected areas.

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

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

24 (2) providing protection for internally displaced
25 persons (IDPs) and humanitarian workers, including

1 the International Committee of the Red Cross at all
2 sites where the military and police conduct security
3 screening;

4 (3) permitting freedom of movement for IDPs
5 once they have completed security screening, includ-
6 ing allowing the displaced to return home or move
7 to other safe locations;

8 (4) allowing civilian authorities to run without
9 interference camps and hospitals that house the dis-
10 placed; and

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

13 UNRWA ACCOUNTABILITY

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

18 (1) continuing to utilize Operations Support Of-
19 ficers in the West Bank and Gaza to inspect
20 UNRWA installations and report any inappropriate
21 use;

22 (2) dealing promptly with any staff or bene-
23 ficiary violations of its own policies (including the
24 policies on neutrality and impartiality of employees)

1 and the legal requirements under section 301(c) of
2 the Foreign Assistance Act of 1961;

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

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

11 (5) taking steps to improve the transparency of
12 all educational materials currently in use in
13 UNRWA-administered schools;

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

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

23 (8) in compliance with the United Nations
24 Board of Auditors' biennial audit requirements and

1 is implementing in a timely fashion the Board's rec-
2 ommendations.

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

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

16 IMF PROVISIONS

17 SEC. 7088. (a) OPPOSITION TO IMF PROVIDING
18 HARD CURRENCY FOR SDRS RECEIVED BY TERRORIST
19 COUNTRIES.—The Secretary of the Treasury shall in-
20 struct the United States Executive Director at the Inter-
21 national Monetary Fund to use the voice, vote, and influ-
22 ence of the United States to oppose the provision by the
23 Fund of United States dollars, euros, or Japanese yen to
24 any country the government of which the Secretary of
25 State has determined, for purposes of section 6(j) of the

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

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

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

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

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

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

16 (A) the enactment and implementation of
17 appropriate financial reform legislation;

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

21 (C) opening domestic capital markets; and

22 (D) making nontransparent conglomerate
23 practices more transparent through the applica-
24 tion of internationally accepted accounting
25 practices, independent external audits, full dis-

1 closure, and provision of consolidated state-
2 ments.

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

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

11 INTELLECTUAL PROPERTY RIGHTS PROTECTIONS

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

1 nuclear, clean coal, electric battery, alternative fuel, alter-
2 native refueling infrastructure, advanced vehicle, electric
3 grid, or energy efficiency-related technologies.

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

Union Calendar No. 100

11TH CONGRESS
1ST Session

H. R. 3081

[Report No. 111-187]

A BILL

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

JUNE 26, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed