

# Union Calendar No. 100

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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 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           OVERSEAS PRIVATE INVESTMENT CORPORATION  
2                                   NONCREDIT ACCOUNT

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

19                                   PROGRAM ACCOUNT

20           For the cost of direct and guaranteed loans,  
21 \$29,000,000, as authorized by section 234 of the Foreign  
22 Assistance Act of 1961, to be derived by transfer from  
23 the Overseas Private Investment Corporation Noncredit  
24 Account: *Provided*, That such costs, including the cost of  
25 modifying such loans, shall be as defined in section 502

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 subcontra-  
6 ctors 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 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           (3) is not failing to cooperate on international  
2 narcotics control matters;

3           (4) (including its military or other security  
4 forces) does not engage in a consistent pattern of  
5 gross violations of internationally recognized human  
6 rights; and

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

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

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

22                                   SPECIAL AUTHORITIES

23       SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN,  
24 LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED  
25 CHILDREN, AND DISPLACED BURMESE.—Funds appro-

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           RESTRICTIONS CONCERNING THE PALESTINIAN  
2                                   AUTHORITY

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

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 West Bank and Gaza Program, including all funds pro-  
2 vided as cash transfer assistance, in fiscal year 2010  
3 under the heading “Economic Support Fund”. The audit  
4 shall address—

5 (1) the extent to which such Program complies  
6 with the requirements of subsections (b) and (c),  
7 and

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

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

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

19 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN  
20 AUTHORITY

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

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 2006 (Public Law 109-446) with respect to this sub-  
2 section.

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

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

20 SAUDI ARABIA

21 SEC. 7041. None of the funds made available in this  
22 Act may be obligated or expended to finance any assist-  
23 ance to Saudi Arabia unless the President certifies that  
24 Saudi Arabia is fully cooperating with efforts to combat

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 intimidat-  
7 ion 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

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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