

AMENDMENT NO. _____

Calendar No. **157**

Purpose: In the nature of a substitute

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

H.R. 2354

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Strike out all after the enacting clause and insert the
2 following:

3 **DIVISION A—ENERGY AND WATER**
4 **DEVELOPMENT AND RELATED AGENCIES**

5 The following sums are appropriated, out of any
6 money in the Treasury not otherwise appropriated, for en-
7 ergy and water development and related agencies for the
8 fiscal year ending September 30, 2012, and for other pur-
9 poses, namely:

1 TITLE I
2 CORPS OF ENGINEERS—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL

5 The following appropriations shall be expended under
6 the direction of the Secretary of the Army and the super-
7 vision of the Chief of Engineers for authorized civil func-
8 tions of the Department of the Army pertaining to rivers
9 and harbors, flood and storm damage reduction, short pro-
10 tection, aquatic ecosystem restoration, and related efforts.

11 GENERAL INVESTIGATIONS

12 For expenses necessary where authorized by law for
13 the collection and study of basic information pertaining
14 to river and harbor, flood and storm damage reduction,
15 shore protection, aquatic ecosystem restoration, and re-
16 lated needs; for surveys and detailed studies, and plans
17 and specifications of proposed river and harbor, flood and
18 storm damage reduction, shore protection, and aquatic
19 ecosystem restoration projects and related efforts prior to
20 construction; for restudy of authorized projects; and for
21 miscellaneous investigations and, when authorized by law,
22 surveys and detailed studies, and plans and specifications
23 of projects prior to construction, \$125,000,000, to remain
24 available until expended.

1 CONSTRUCTION, GENERAL

2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses necessary for the construction of river
4 and harbor, flood and storm damage reduction, shore pro-
5 tection, aquatic ecosystem restoration, and related
6 projects authorized by law; for conducting detailed studies,
7 and plans and specifications, of such projects (including
8 those involving participation by States, local governments,
9 or private groups) authorized or made eligible for selection
10 by law (but such detailed studies, and plans and specifica-
11 tions, shall not constitute a commitment of the Govern-
12 ment to construction); \$1,610,000,000, to remain avail-
13 able until expended; of which such sums as are necessary
14 to cover the Federal share of construction costs for facili-
15 ties under the Dredged Material Disposal Facilities pro-
16 gram shall be derived from the Harbor Maintenance Trust
17 Fund as authorized by Public Law 104–303; and of which
18 such sums as are necessary to cover one-half of the costs
19 of construction, replacement, rehabilitation, and expansion
20 of inland waterways projects (including only Lock and
21 Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3,
22 and 4 Monongahela River, Pennsylvania; Olmsted Lock
23 and Dam, Illinois and Kentucky; and Emsworth Locks
24 and Dam, Ohio River, Pennsylvania) shall be derived from
25 the Inland Waterways Trust Fund.

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For expenses necessary for flood damage reduction
3 projects and related efforts in the Mississippi River allu-
4 vial valley below Cape Girardeau, Missouri, as authorized
5 by law, \$250,000,000, to remain available until expended,
6 of which such sums as are necessary to cover the Federal
7 share of eligible operation and maintenance costs for in-
8 land harbors shall be derived from the Harbor Mainte-
9 nance Trust Fund.

10 OPERATION AND MAINTENANCE

11 For expenses necessary for the operation, mainte-
12 nance, and care of existing river and harbor, flood and
13 storm damage reduction, aquatic ecosystem restoration,
14 and related projects authorized by law; providing security
15 for infrastructure owned or operated by the Corps, includ-
16 ing administrative buildings and laboratories; maintaining
17 harbor channels provided by a State, municipality, or
18 other public agency that serve essential navigation needs
19 of general commerce, where authorized by law; surveying
20 and charting northern and northwestern lakes and con-
21 necting waters; clearing and straightening channels; and
22 removing obstructions to navigation, \$2,360,000,000, to
23 remain available until expended, of which such sums as
24 are necessary to cover the Federal share of eligible oper-
25 ation and maintenance costs for coastal harbors and chan-

1 nels, and for inland harbors shall be derived from the Har-
2 bor Maintenance Trust Fund; of which such sums as be-
3 come available from the special account for the Corps es-
4 tablished by the Land and Water Conservation Act of
5 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that
6 account for resource protection, research, interpretation,
7 and maintenance activities related to resource protection
8 in areas managed by the Corps at which outdoor recre-
9 ation is available; and of which such sums as become avail-
10 able from fees collected under section 217 of Public Law
11 104–303 shall be used to cover the cost of operation and
12 maintenance of the dredged material disposal facilities for
13 which such fees have been collected.

14

REGULATORY PROGRAM

15 For expenses necessary for administration of laws
16 pertaining to regulation of navigable waters and wetlands,
17 \$193,000,000, to remain available until September 30,
18 2013.

19 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

20 For expenses necessary to clean up contamination
21 from sites in the United States resulting from work per-
22 formed as part of the Nation’s early atomic energy pro-
23 gram, \$109,000,000, to remain available until expended.

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary to prepare for flood, hurri-
3 cane, and other natural disasters and support emergency
4 operations, repairs, and other activities in response to
5 such disasters as authorized by law, \$27,000,000, to re-
6 main available until expended.

7 GENERAL EXPENSES

8 For expenses necessary for the supervision and gen-
9 eral administration of the civil works program in the head-
10 quarters of the United States Army Corps of Engineers
11 and the offices of the Division Engineers; and for the man-
12 agement and operation of the Humphreys Engineer Cen-
13 ter Support Activity, the Institute for Water Resources,
14 the United States Army Engineer Research and Develop-
15 ment Center, and the United States Army Corps of Engi-
16 neers Finance Center, \$185,000,000, to remain available
17 until September 30, 2013, of which not to exceed \$5,000
18 may be used for official reception and representation pur-
19 poses and only during the current fiscal year: *Provided,*
20 That no part of any other appropriation provided in title
21 I of this Act shall be available to fund the civil works ac-
22 tivities of the Office of the Chief of Engineers or the civil
23 works executive direction and management activities of the
24 division offices: *Provided further,* That any Flood Control
25 and Coastal Emergencies appropriation may be used to

1 fund the supervision and general administration of emer-
2 gency operations, repairs, and other activities in response
3 to any flood, hurricane, or other natural disaster.

4 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
5 FOR CIVIL WORKS

6 For the Office of the Assistant Secretary of the Army
7 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
8 \$5,000,000, to remain available until September 30, 2013.

9 ADMINISTRATIVE PROVISION

10 The Revolving Fund, Corps of Engineers, shall be
11 available during the current fiscal year for purchase (not
12 to exceed 100 for replacement only) and hire of passenger
13 motor vehicles for the civil works program.

14 GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

15 SEC. 101. (a) None of the funds provided in title I
16 of this Act, or provided by previous appropriations Acts
17 to the agencies or entities funded in title I of this Act
18 that remain available for obligation or expenditure in fiscal
19 year 2010, shall be available for obligation or expenditure
20 through a reprogramming of funds that:

21 (1) creates or initiates a new program, project,
22 or activity;

23 (2) eliminates a program, project, or activity;

24 (3) increases funds or personnel for any pro-
25 gram, project, or activity for which funds have been

1 denied or restricted by this Act, unless prior ap-
2 proval is received from the House and Senate Com-
3 mittees on Appropriations;

4 (4) proposes to use funds directed for a specific
5 activity for a different purpose, unless prior approval
6 is received from the House and Senate Committees
7 on Appropriations;

8 (5) augments or reduces existing programs,
9 projects or activities in excess of the amounts con-
10 tained in subsections 6 through 10, unless prior ap-
11 proval is received from the House and Senate Com-
12 mittees on Appropriations;

13 (6) GENERAL INVESTIGATIONS.—For a base
14 level over \$100,000, reprogramming of 25 percent of
15 the base amount up to a limit of \$150,000 per
16 project, study or activity is allowed: *Provided*, That
17 for a base level less than \$100,000, the reprogram-
18 ming limit is \$25,000: *Provided further*, That up to
19 \$25,000 may be reprogrammed into any continuing
20 study or activity that did not receive an appropria-
21 tion for existing obligations and concomitant admin-
22 istrative expenses;

23 (7) CONSTRUCTION, GENERAL.—For a base
24 level over \$2,000,000, reprogramming of 15 percent
25 of the base amount up to a limit of \$3,000,000 per

1 project, study or activity is allowed: *Provided*, That
2 for a base level less than \$2,000,000, the re-
3 programming limit is \$300,000: *Provided further*,
4 That up to \$3,000,000 may be reprogrammed for
5 settled contractor claims, changed conditions, or real
6 estate deficiency judgments: *Provided further*, That
7 up to \$300,000 may be reprogrammed into any con-
8 tinuing study or activity that did not receive an ap-
9 propriation for existing obligations and concomitant
10 administrative expenses;

11 (8) OPERATION AND MAINTENANCE.—Unlim-
12 ited reprogramming authority is granted in order for
13 the Corps to be able to respond to emergencies: *Pro-*
14 *vided*, That the Chief of Engineers must notify the
15 House and Senate Committees on Appropriations of
16 these emergency actions as soon thereafter as prac-
17 ticable: *Provided further*, That for a base level over
18 \$1,000,000, reprogramming of 15 percent of the
19 base amount a limit of \$5,000,000 per project, study
20 or activity is allowed: *Provided further*, That for a
21 base level less than \$1,000,000, the reprogramming
22 limit is \$150,000: *Provided further*, That \$150,000
23 may be reprogrammed into any continuing study or
24 activity that did not receive an appropriation;

1 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—

2 The same reprogramming guidelines for the Inves-
3 tigation, Construction, and Operation and Mainte-
4 nance portions of the Mississippi River and Tribu-
5 taries Account as listed above; and

6 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
7 TION PROGRAM.—Reprogramming of up to 15 per-
8 cent of the base of the receiving project is permitted.

9 (b) DE MINIMUS REPROGRAMMINGS.—In no case
10 should a reprogramming for less than \$50,000 be sub-
11 mitted to the House and Senate Committees on Appro-
12 priations.

13 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
14 section (a)(1) shall not apply to any project or activity
15 funded under the continuing authorities program.

16 (d) Not later than 60 days after the date of enact-
17 ment of this Act, the Corps of Engineers shall submit a
18 report to the House and Senate Committees on Appropria-
19 tions to establish the baseline for application of re-
20 programming and transfer authorities for the current fis-
21 cal year: *Provided*, That the report shall include:

22 (1) A table for each appropriation with a sepa-
23 rate column to display the President's budget re-
24 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

3 (2) A delineation in the table for each appro-
4 priation both by object class and program, project
5 and activity as detailed in the budget appendix for
6 the respective appropriations; and

7 (3) An identification of items of special congres-
8 sional interest.

9 SEC. 102. None of the funds in this Act, or previous
10 Acts, making funds available to the Corps, shall be used
11 to implement any pending or future competitive sourcing
12 actions under OMB Circular A-76 or High Performing
13 Organizations.

14 SEC. 103. None of the funds in this Act, or previous
15 Acts, making funds available to the Corps, shall be used
16 to award any continuing contract that commits additional
17 funding from the Inland Waterways Trust Fund unless
18 or until such time that a long-term mechanism to enhance
19 revenues in this Fund sufficient to meet the cost-sharing
20 authorized in the Water Resources Development Act of
21 1986 (Public Law 99-662), as amended, is enacted.

22 SEC. 104. Within 120 days of the date of the Chief
23 of Engineers Report on a water resource matter, the As-
24 sistant Secretary of the Army (Civil Works) shall submit

1 the report to the appropriate authorizing and appro-
2 priating committees of the Congress.

3 SEC. 105. During the fiscal year period covered by
4 this Act, the Secretary of the Army is authorized to imple-
5 ment measures recommended in the efficacy study author-
6 ized under section 3061 of the Water Resources Develop-
7 ment Act of 2007 (121 Stat. 1121) or in interim reports,
8 with such modifications or emergency measures as the
9 Secretary of the Army determines to be appropriate, to
10 prevent aquatic nuisance species from dispersing into the
11 Great Lakes by way of any hydrologic connection between
12 the Great Lakes and the Mississippi River Basin.

13 SEC. 106. The Secretary is authorized to transfer to
14 the “Construction” account up to \$100,000,000 of the
15 funds provided for reinforcing or replacing flood walls
16 under the “Flood Control and Coastal Emergencies”
17 heading in Public Law 109–234 (120 Stat. 455) and Pub-
18 lic Law 110–252 (122 Stat. 2350) and up to \$75,000,000
19 of the funds provided for projects and measures for the
20 West Bank and Vicinity and Lake Ponchartrain and Vi-
21 cinity projects under the “Flood Control and Coastal
22 Emergencies” heading in Public Law 110–28 (121 Stat.
23 153) to be used with funds provided for the West Bank
24 and Vicinity project under the “Construction” heading in
25 Public Law 110–252 (122 Stat. 2349) and Public Law

1 110–329 (122 Stat. 3589), consistent with 65 percent
2 Federal and 35 percent non-Federal cost share and the
3 financing of, and payment terms for, the non-Federal cash
4 contribution associated with the West Bank and Vicinity
5 project.

6 SEC. 107. The Secretary of the Army may authorize
7 a member of the Armed Forces under the Secretary’s ju-
8 risdiction and employees of the Department of the Army
9 to serve without compensation as director, officer, or oth-
10 erwise in the management of the organization established
11 to support and maintain the participation of the United
12 States in the permanent international commission of the
13 congresses of navigation, or any successor entity.

14 SEC. 108. (a) ACQUISITION.—The Secretary is au-
15 thorized to acquire any real property and associated real
16 property interests in the vicinity of Hanover, New Hamp-
17 shire as may be needed for the Engineer Research and
18 Development Center laboratory facilities at the Cold Re-
19 gions Research and Engineering Laboratory. This real
20 property to be acquired consists of 18.5 acres more or less,
21 identified as Tracts 101–1 and 101–2, together with all
22 necessary easements located entirely within the Town of
23 Hanover, New Hampshire. The real property is generally
24 bounded to the east by state route 10-Lyme Road, to the
25 north by the vacant property of the Trustees of the Dart-

1 mouth College, to the south by Fletcher Circle graduate
2 student housing owned by the Trustees of Dartmouth Col-
3 lege, and to the west by approximately 9 acres of real
4 property acquired in fee through condemnation in 1981
5 by the Secretary of the Army.

6 (b) REVOLVING FUND.—The Secretary is authorized
7 to use the Revolving Fund (33 U.S.C. 576) through the
8 Plant Replacement and Improvement Program to acquire
9 the real property and associated real property interests in
10 subsection (a). The Secretary shall ensure that the Revolv-
11 ing Fund is appropriately reimbursed from the benefiting
12 appropriations.

13 (c) RIGHT OF FIRST REFUSAL.—The Secretary may
14 provide the Seller of any real property and associated
15 property interests identified in subsection (a)—

16 (1) a right of first refusal to acquire such prop-
17 erty, or any portion thereof, in the event the prop-
18 erty, or any portion thereof, is no longer needed by
19 the Department of the Army.

20 (2) a right of first refusal to acquire any real
21 property or associated real property interests ac-
22 quired by condemnation in Civil Action No. 81–360–
23 L, in the event the property, or any portion thereof,
24 is no longer needed by the Department of the Army.

1 (3) the purchase of any property by the Seller
2 exercising either right of first refusal authorized in
3 this section shall be for consideration acceptable to
4 the Secretary and shall be for not less than fair
5 market value at the time the property becomes avail-
6 able for purchase. The right of first refusal author-
7 ized in this section shall not inure to the benefit of
8 the Sellers successors or assigns.

9 (d) DISPOSAL.—The Secretary of the Army is au-
10 thorized to dispose of any property or associated real prop-
11 erty interests that are subject to the exercise of the right
12 of first refusal as set forth herein.

13 SEC. 109. The Secretary of the Army may transfer,
14 and the Fish and Wildlife Service may accept and expend,
15 up to \$3,800,000 of funds provided in this title under the
16 heading “Operation and Maintenance”, to mitigate for
17 fisheries lost due to Corps of Engineers projects.

18 SEC. 110. The Secretary of the Army, acting through
19 the Chief of Engineers, is directed to fully utilize the Fed-
20 eral dredging fleet in support of all Army Corps of Engi-
21 neers missions and no restrictions shall be placed on the
22 use or maintenance of any dredge in the Federal Fleet.

23 SEC. 111. The Secretary of the Army, acting through
24 the Chief of Engineers, is directed to maintain the Federal

1 dredging fleet to technologically modern and efficient
2 standards.

3 SEC. 112. The Secretary of the Army, acting through
4 the Chief of Engineers is directed to utilize funds from
5 the revolving fund to expeditiously undertake necessary
6 health and safety improvements, including lead and asbes-
7 tos abatement, to the dredge “McFarland”: *Provided*,
8 That the Secretary shall ensure that the Revolving Fund
9 is appropriately reimbursed from appropriations of the
10 Corps’ benefiting programs by collection each year of
11 amounts sufficient to repay the capitalized cost of such
12 construction and improvements.

13 SEC. 113. With respect to the property covered by
14 the deed described in Auditor’s instrument No. 2006–
15 014428 of Benton County, Washington, approximately 1.5
16 acres, the following deed restrictions are hereby extin-
17 guished and of no further force and effect:

18 (1) The reversionary interest and use restric-
19 tions related to port and industrial purposes;

20 (2) The right for the District Engineer to re-
21 view all pre-construction plans and/or specifications
22 pertaining to construction and/or maintenance of
23 any structure intended for human habitation, other
24 building structure, parking lots, or roads, if the ele-

1 vation of the property is above the standard project
2 flood elevation; and

3 (3) The right of the District Engineer to object
4 to, and thereby prevent, in his/her discretion, such
5 activity.

6 SEC. 114. That portion of the project for navigation,
7 Block Island Harbor of Refuge, Rhode Island adopted by
8 the Rivers and Harbors Act of July 11, 1870, consisting
9 of the cut-stone breakwater lining the west side of the
10 Inner Basin; beginning at a point with coordinates
11 N32579.55, E312625.53, thence running northerly about
12 76.59 feet to a point with coordinates N32655.92,
13 E312631.32, thence running northerly about 206.81 feet
14 to a point with coordinates N32858.33, E312673.74,
15 thence running easterly about 109.00 feet to a point with
16 coordinates N32832.15, E312779.54, shall no longer be
17 authorized after the date of enactment.

18 SEC. 115. The Secretary of the Army, acting through
19 the Chief of Engineers, is authorized, using amounts avail-
20 able in the Revolving Fund established by section 101 of
21 the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to
22 construct a Consolidated Infrastructure Research Equip-
23 ment Facility, an Environmental Processes and Risk Lab,
24 a Hydraulic Research Facility, an Engineer Research and
25 Development Center headquarters building, a Modular

1 Hydraulic Flume building, and to purchase real estate,
2 perform construction, and make facility, utility, street,
3 road, and infrastructure improvements to the Engineer
4 Research and Development Center’s installations and fa-
5 cilities. The Secretary shall ensure that the Revolving
6 Fund is appropriately reimbursed from the benefitting ap-
7 propriations.

8 SEC. 116. Section 1148 of the Water Resources De-
9 velopment Act of 1986 (100 Stat. 4254; 110 Stat. 3718;
10 114 Stat. 2609) is amended by striking subsection (b) and
11 inserting the following:

12 “(b) DISPOSITION OF ACQUIRED LAND.—The Sec-
13 retary may transfer land acquired under this section to
14 the non-Federal sponsor by quitclaim deed subject to such
15 terms and conditions as the Secretary determines to be
16 in the public interest.”.

17 SEC. 117. The New London Disposal Site and the
18 Cornfield Shoals Disposal Site in Long Island Sound se-
19 lected by the Department of the Army as alternative
20 dredged material disposal sites under section 103(b) of the
21 Marine Protection, Research, and Sanctuaries Act of
22 1972, as amended, shall remain open until completion of
23 a Supplemental Environmental Impact Statement to sup-
24 port final designation of an Ocean Dredged Material Dis-
25 posal Site in eastern Long Island Sound under section

1 102(c) of the Marine Protection, Research, and Sanc-
2 tuaries Act of 1972.

3 SEC. 118. (a) That portion of the project for naviga-
4 tion, Newport Harbor, Rhode Island adopted by the Rivers
5 and Harbors Acts of March 2, 1907 (34 Stat. 1075); June
6 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845);
7 and, modified by the Consolidated Appropriations Act,
8 2000, Public Law 106–113, appendix E, title II, section
9 221 (113 Stat. 1501A–298); consisting of a 13-foot an-
10 chorage, an 18-foot anchorage, a 21-foot channel, and 18-
11 foot channels described by the following shall no longer
12 be authorized after the date of enactment of this Act: the
13 21-Foot Entrance Channel, beginning at a point (1) with
14 coordinates 374986.03, 150611.01; thence running south
15 46 degrees 54 minutes 30.7 seconds east 900.01 feet to
16 a point (2) with coordinates 375643.27, 149996.16;
17 thence running south 8 degrees 4 minutes 58.3 east
18 2,376.87 feet to a point (3) with coordinates 375977.47,
19 147643.00; thence running south 4 degrees 28 minutes
20 20.4 seconds west 738.56 feet to a point (4) with coordi-
21 nates 375919.88, 146906.60; thence running south 6 de-
22 grees 2 minutes 42.4 seconds east 1,144.00 feet to a point
23 (5) with coordinates 376040.35, 145768.96; thence run-
24 ning south 34 degrees 5 minutes 51.7 seconds west 707.11
25 feet to a point (6) with coordinates 375643.94,

1 145183.41; thence running south 73 degrees 11 minutes
2 42.9 seconds west 1,300.00 feet to the end point (7) with
3 coordinates 374399.46, 144807.57; Returning at a point
4 with coordinates (8) with coordinates 374500.64,
5 144472.51; thence running north 73 degrees 11 minutes
6 42.9 seconds east 1,582.85 feet to a point (9) with coordi-
7 nates 376015.90, 144930.13; thence running north 34 de-
8 grees 5 minutes 51.7 seconds east 615.54 feet to a point
9 (10) with coordinates 376360.97, 145439.85; thence run-
10 ning north 2 degrees 10 minutes 43.3 seconds west
11 2,236.21 feet to a point (11) with coordinates 376275.96,
12 147674.45; thence running north 8 degrees 4 minutes
13 55.6 seconds west 2,652.83 feet to a point (12) with co-
14 ordinates 375902.99, 150300.93; thence running north 46
15 degrees 54 minutes 30.7 seconds west 881.47 feet to an
16 end point (13) with coordinates 375259.29, 150903.12;
17 and the 18-Foot South Goat Island Channel beginning at
18 a point (14) with coordinates 375509.09, 149444.83;
19 thence running south 25 degrees 44 minutes 0.5 second
20 east 430.71 feet to a point (15) with coordinates
21 375696.10, 149056.84; thence running south 10 degrees
22 13 minutes 27.4 seconds east 1,540.89 feet to a point (16)
23 with coordinates 375969.61, 147540.41; thence running
24 south 4 degrees 29 minutes 11.3 seconds west 1,662.92
25 feet to a point (17) with coordinates 375839.53,

1 145882.59; thence running south 34 degrees 5 minutes
2 51.7 seconds west 547.37 feet to a point (18) with coordi-
3 nates 375532.67, 145429.32; thence running south 86 de-
4 grees 47 minutes 37.7 seconds west 600.01 feet to an end
5 point (19) with coordinates 374933.60, 145395.76; and
6 the 18-Foot Entrance Channel beginning at a point (20)
7 with coordinates 374567.14, 144252.33; thence running
8 north 73 degrees 11 minutes 42.9 seconds east 1,899.22
9 feet to a point (21) with coordinates 376385.26,
10 144801.42; thence running north 2 degrees 10 minutes
11 41.5 seconds west 638.89 feet to an end point (10) with
12 coordinates 376360.97, 145439.85; and the 18-Foot
13 South Anchorage beginning at a point (22) with coordi-
14 nates 376286.81, 147389.37; thence running north 78 de-
15 grees 56 minutes 15.6 seconds east 404.86 feet to a point
16 (23) with coordinates 376684.14, 147467.05; thence run-
17 ning north 78 degrees 56 minutes 15.6 seconds east
18 1,444.33 feet to a point (24) with coordinates 378101.63,
19 147744.18; thence running south 5 degrees 18 minutes
20 43.8 seconds west 1,228.20 feet to a point (25) with co-
21 ordinates 377987.92, 146521.26; thence running south 3
22 degrees 50 minutes 3.4 seconds east 577.84 feet to a point
23 (26) with coordinates 378026.56, 145944.71; thence run-
24 ning south 44 degrees 32 minutes 14.7 seconds west
25 2,314.09 feet to a point (27) with coordinates 376403.52,

1 144295.24 thence running south 60 degrees 5 minutes
2 58.2 seconds west 255.02 feet to an end point (28) with
3 coordinates 376182.45, 144168.12; and the 13-Foot An-
4 chorage beginning at a point (29) with coordinates
5 376363.39, 143666.99; thence running north 63 degrees
6 34 minutes 19.3 seconds east 1,962.37 feet to a point (30)
7 with coordinates 378120.68, 144540.38; thence running
8 north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet
9 to an end point (26) with coordinates 378026.56,
10 145944.71; and the 18-Foot East Channel beginning at
11 a point (23) with coordinates 376684.14, 147467.05;
12 thence running north 2 degrees 10 minutes 43.3 seconds
13 west 262.95 feet to a point (31) with coordinates
14 376674.14, 147729.81; thence running north 9 degrees 42
15 minutes 20.3 seconds west 301.35 feet to a point (32) with
16 coordinates 376623.34, 148026.85; thence running south
17 80 degrees 17 minutes 42.4 seconds west 313.6 feet to
18 a point (33) with coordinates 376314.23, 147973.99;
19 thence running north 7 degrees 47 minutes 21.9 seconds
20 west 776.24 feet to an end point (34) with coordinates
21 376209.02, 148743.06; and the 18-Foot North Anchorage
22 beginning at a point (35) with coordinates 376123.98,
23 148744.69; thence running south 88 degrees 54 minutes
24 16.2 seconds east 377.90 feet to a point (36) with coordi-
25 nates 376501.82, 148737.47; thence running north 9 de-

1 grees 42 minutes 19.0 seconds west 500.01 feet to a point
2 (37) with coordinates 376417.52, 149230.32; thence run-
3 ning north 6 degrees 9 minutes 53.2 seconds west
4 1,300.01 feet to an end point (38) with coordinates
5 376277.92, 150522.81.

6 (b) The area described by the following shall be redes-
7 igned as an eighteen-foot channel and turning basin: Be-
8 ginning at a point (1) with coordinates N144759.41,
9 E374413.16; thence running north 73 degrees 11 minutes
10 42.9 seconds east 1,252.88 feet to a point (2) with coordi-
11 nates N145121.63, E375612.53; thence running north 26
12 degrees 29 minutes 48.1 seconds east 778.89 feet to a
13 point (3) with coordinates N145818.71, E375960.04;
14 thence running north 0 degrees 3 minutes 38.1 seconds
15 west 1,200.24 feet to a point (4) with coordinates
16 N147018.94, E375958.77; thence running north 2 de-
17 grees 22 minutes 45.2 seconds east 854.35 feet to a point
18 (5) with coordinates N147872.56, E375994.23; thence
19 running north 7 degrees 47 minutes 21.9 seconds west
20 753.83 feet to a point (6) with coordinates N148619.44,
21 E375892.06; thence running north 88 degrees 46 minutes
22 16.7 seconds east 281.85 feet to a point (7) with coordi-
23 nates N148625.48, E376173.85; thence running south 7
24 degrees 47 minutes 21.9 seconds east 716.4 feet to a point
25 (8) with coordinates N147915.69, E376270.94; thence

1 running north 80 degrees 17 minutes 42.3 seconds east
2 315.3 feet to a point (9) with coordinates N147968.85,
3 E.76581.73; thence running south 9 degrees 42 minutes
4 20.3 seconds east 248.07 feet to a point (10) with coordi-
5 nates N147724.33, E376623.55; thence running south 2
6 degrees 10 minutes 43.3 seconds east 318.09 feet to a
7 point (11) with coordinates N147406.47, E376635.64;
8 thence running north 78 degrees 56 minutes 15.6 seconds
9 east 571.11 feet to a point (12) with coordinates
10 N147516.06, E377196.15; thence running south 88 de-
11 grees 57 minutes 2.3 seconds east 755.09 feet to a point
12 (13) with coordinates N147502.23, E377951.11; thence
13 running south 1 degree 2 minutes 57.7 seconds west
14 100.00 feet to a point (14) with coordinates N147402.25,
15 E377949.28; thence running north 88 degrees 57 minutes
16 2.3 seconds west 744.48 feet to a point (15) with coordi-
17 nates N147415.88, E377204.92; thence running south 78
18 degrees 56 minutes 15.6 seconds west 931.17 feet to a
19 point (16) with coordinates N147237.21, E376291.06;
20 thence running south 39 degrees 26 minutes 18.7 seconds
21 west 208.34 feet to a point (17) with coordinates
22 N147076.31, E376158.71; thence running south 0 de-
23 grees 3 minutes 38.1 seconds east 1,528.26 feet to a point
24 (18) with coordinates N145548.05, E376160.32; thence
25 running south 26 degrees 29 minutes 48.1 seconds west

1 686.83 feet to a point (19) with coordinates N144933.37,
2 E375853.90; thence running south 73 degrees 11 minutes
3 42.9 seconds west 1,429.51 feet to end at a point (20)
4 with coordinates N144520.08, E374485.44.

5

TITLE II

6

DEPARTMENT OF THE INTERIOR

7

CENTRAL UTAH PROJECT

8

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

9

For carrying out activities authorized by the Central
10 Utah Project Completion Act, \$28,991,000, to remain
11 available until expended, of which \$2,000,000 shall be de-
12 posited into the Utah Reclamation Mitigation and Con-
13 servation Account for use by the Utah Reclamation Miti-
14 gation and Conservation Commission, and of which
15 \$1,550,000 for necessary expenses incurred in carrying
16 out related responsibilities of the Secretary of the Interior.
17 For fiscal year 2012, the Commission may use an amount
18 not to exceed \$1,500,000 for administrative expenses.

19

WATER AND RELATED RESOURCES

20

(INCLUDING TRANSFERS OF FUNDS)

21

The following appropriations shall be expended to
22 execute authorized functions of the Bureau of Reclama-
23 tion:

24

For management, development, and restoration of
25 water and related natural resources and for related activi-

1 ties, including the operation, maintenance, and rehabilita-
2 tion of reclamation and other facilities, participation in
3 fulfilling related Federal responsibilities to Native Ameri-
4 cans, and related grants to, and cooperative and other
5 agreements with, State and local governments, federally
6 recognized Indian tribes, and others, \$885,670,000, to re-
7 main available until expended, of which \$10,698,000 shall
8 be available for transfer to the Upper Colorado River
9 Basin Fund and \$6,136,000 shall be available for transfer
10 to the Lower Colorado River Basin Development Fund;
11 of which such amounts as may be necessary may be ad-
12 vanced to the Colorado River Dam Fund: *Provided*, That
13 such transfers may be increased or decreased within the
14 overall appropriation under this heading: *Provided further*,
15 That of the total appropriated, the amount for program
16 activities that can be financed by the Reclamation Fund
17 or the Bureau of Reclamation special fee account estab-
18 lished by 16 U.S.C. 4601-6a(i) shall be derived from that
19 Fund or account: *Provided further*, That funds contributed
20 under 43 U.S.C. 395 are available until expended for the
21 purposes for which contributed: *Provided further*, That
22 funds advanced under 43 U.S.C. 397a shall be credited
23 to this account and are available until expended for the
24 same purposes as the sums appropriated under this head-
25 ing: *Provided further*, That of the amounts provided here-

1 in, funds may be used for high priority projects which
2 shall be carried out by the Youth Conservation Corps, as
3 authorized by 16 U.S.C. 1706.

4 CENTRAL VALLEY PROJECT RESTORATION FUND

5 For carrying out the programs, projects, plans, habi-
6 tat restoration, improvement, and acquisition provisions of
7 the Central Valley Project Improvement Act, \$53,068,000,
8 to be derived from such sums as may be collected in the
9 Central Valley Project Restoration Fund pursuant to sec-
10 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
11 102–575, to remain available until expended: *Provided*,
12 That the Bureau of Reclamation is directed to assess and
13 collect the full amount of the additional mitigation and
14 restoration payments authorized by section 3407(d) of
15 Public Law 102–575: *Provided further*, That none of the
16 funds made available under this heading may be used for
17 the acquisition or leasing of water for in-stream purposes
18 if the water is already committed to in-stream purposes
19 by a court adopted decree or order.

20 CALIFORNIA BAY-DELTA RESTORATION

21 (INCLUDING TRANSFERS OF FUNDS)

22 For carrying out activities authorized by the Water
23 Supply, Reliability, and Environmental Improvement Act,
24 consistent with plans to be approved by the Secretary of
25 the Interior, \$39,651,000, to remain available until ex-

1 pended, of which such amounts as may be necessary to
2 carry out such activities may be transferred to appropriate
3 accounts of other participating Federal agencies to carry
4 out authorized purposes: *Provided*, That funds appro-
5 priated herein may be used for the Federal share of the
6 costs of CALFED Program management: *Provided fur-*
7 *ther*, That the use of any funds provided to the California
8 Bay-Delta Authority for program-wide management and
9 oversight activities shall be subject to the approval of the
10 Secretary of the Interior: *Provided further*, That CALFED
11 implementation shall be carried out in a balanced manner
12 with clear performance measures demonstrating concur-
13 rent progress in achieving the goals and objectives of the
14 Program.

15 POLICY AND ADMINISTRATION

16 For necessary expenses of policy, administration, and
17 related functions in the Office of the Commissioner, the
18 Denver office, and offices in the five regions of the Bureau
19 of Reclamation, to remain available until September 30,
20 2013, \$60,000,000, to be derived from the Reclamation
21 Fund and be nonreimbursable as provided in 43 U.S.C.
22 377: *Provided*, That no part of any other appropriation
23 in this Act shall be available for activities or functions
24 budgeted as policy and administration expenses.

1 GENERAL PROVISIONS—DEPARTMENT OF THE
2 INTERIOR

3 SEC. 201. (a) None of the funds provided in title II
4 of this Act for Water and Related Resources, or provided
5 by previous appropriations Acts to the agencies or entities
6 funded in title II of this Act for Water and Related Re-
7 sources that remain available for obligation or expenditure
8 in fiscal year 2010, shall be available for obligation or ex-
9 penditure through a reprogramming of funds that—

10 (1) initiates or creates a new program, project,
11 or activity;

12 (2) eliminates a program, project, or activity;

13 (3) increases funds for any program, project, or
14 activity for which funds have been denied or re-
15 stricted by this Act, unless prior approval is received
16 from the Committees on Appropriations of the
17 House of Representatives and the Senate;

18 (4) restarts or resumes any program, project or
19 activity for which funds are not provided in this Act,
20 unless prior approval is received from the Commit-
21 tees on Appropriations of the House of Representa-
22 tives and the Senate;

23 (5) transfers funds in excess of the following
24 limits, unless prior approval is received from the

1 Committees on Appropriations of the House of Rep-
2 resentatives and the Senate:

3 (A) 15 percent for any program, project or
4 activity for which \$2,000,000 or more is avail-
5 able at the beginning of the fiscal year; or

6 (B) \$300,000 for any program, project or
7 activity for which less than \$2,000,000 is avail-
8 able at the beginning of the fiscal year;

9 (6) transfers more than \$500,000 from either
10 the Facilities Operation, Maintenance, and Rehabili-
11 tation category or the Resources Management and
12 Development category to any program, project, or
13 activity in the other category, unless prior approval
14 is received from the Committees on Appropriations
15 of the House of Representatives and the Senate; or

16 (7) transfers, where necessary to discharge legal
17 obligations of the Bureau of Reclamation, more than
18 \$5,000,000 to provide adequate funds for settled
19 contractor claims, increased contractor earnings due
20 to accelerated rates of operations, and real estate de-
21 ficiency judgments, unless prior approval is received
22 from the Committees on Appropriations of the
23 House of Representatives and the Senate.

1 (b) Subsection (a)(5) shall not apply to any transfer
2 of funds within the Facilities Operation, Maintenance, and
3 Rehabilitation category.

4 (c) For purposes of this section, the term “transfer”
5 means any movement of funds into or out of a program,
6 project, or activity.

7 (d) The Bureau of Reclamation shall submit reports
8 on a quarterly basis to the Committees on Appropriations
9 of the House of Representatives and the Senate detailing
10 all the funds reprogrammed between programs, projects,
11 activities, or categories of funding. The first quarterly re-
12 port shall be submitted not later than 60 days after the
13 date of enactment of this Act.

14 SEC. 202. (a) None of the funds appropriated or oth-
15 erwise made available by this Act may be used to deter-
16 mine the final point of discharge for the interceptor drain
17 for the San Luis Unit until development by the Secretary
18 of the Interior and the State of California of a plan, which
19 shall conform to the water quality standards of the State
20 of California as approved by the Administrator of the En-
21 vironmental Protection Agency, to minimize any detri-
22 mental effect of the San Luis drainage waters.

23 (b) The costs of the Kesterson Reservoir Cleanup
24 Program and the costs of the San Joaquin Valley Drain-
25 age Program shall be classified by the Secretary of the

1 Interior as reimbursable or nonreimbursable and collected
2 until fully repaid pursuant to the “Cleanup Program-Alt-
3 ernative Repayment Plan” and the “SJVDP-Alternative
4 Repayment Plan” described in the report entitled “Repay-
5 ment Report, Kesterson Reservoir Cleanup Program and
6 San Joaquin Valley Drainage Program, February 1995”,
7 prepared by the Department of the Interior, Bureau of
8 Reclamation. Any future obligations of funds by the
9 United States relating to, or providing for, drainage serv-
10 ice or drainage studies for the San Luis Unit shall be fully
11 reimbursable by San Luis Unit beneficiaries of such serv-
12 ice or studies pursuant to Federal reclamation law.

13 SEC. 203. Section 529(b)(3) of Public Law 106–541,
14 as amended by section 115 of Public Law 109–103, is fur-
15 ther amended by striking “\$20,000,000” and inserting
16 “\$30,000,000” in lieu thereof.

17 SEC. 204. Section 8 of the Water Desalination Act
18 of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is
19 amended—

20 (1) in subsection (a), in the first sentence, by
21 striking “2011” and inserting “2016”; and

22 (2) in subsection (b), by striking “\$25,000,000
23 for fiscal years 1997 through 2011” and inserting
24 “\$3,000,000 for each of fiscal years 2012 through
25 2016”.

1 SEC. 205. (a) PERMITTED USES.—Section 2507(b)
2 of the Farm Security and Rural Investment Act of 2002
3 (43 U.S.C. 2211 note; Public Law 107–171) is amend-
4 ed—

5 (1) in the matter preceding paragraph (1), by
6 striking “In any case in which there are willing sell-
7 ers” and inserting “For the benefit of at-risk nat-
8 ural desert terminal lakes and associated riparian
9 and watershed resources, in any case in which there
10 are willing sellers or willing participants”;

11 (2) in paragraph (2), by striking “in the Walk-
12 er River” and all that follows through “119 Stat.
13 2268”;

14 (3) in paragraph (3), by striking “in the Walk-
15 er River Basin”.

16 (b) WALKER BASIN RESTORATION PROGRAM.—Sec-
17 tion 208(b) of the Energy and Water Development and
18 Related Agencies Appropriations Act, 2010 (Public Law
19 111–85; 123 Stat. 2858) is amended—

20 (1) in paragraph (1)(B)(iv), by striking “exer-
21 cise water rights” and inserting “manage land,
22 water appurtenant to the land, and related inter-
23 ests”;

24 (2) in paragraph (2)(A), by striking “The
25 amount made available under subsection (a)(1) shall

1 be provided to the National Fish and Wildlife Foun-
2 dation” and inserting “Any amount made available
3 to the National Fish and Wildlife Foundation under
4 subsection (a) shall be provided”.

5 SEC. 206. The Federal policy for addressing Califor-
6 nia’s water supply and environmental issues related to the
7 Bay-Delta shall be consistent with State law, including the
8 co-equal goals of providing a more reliable water supply
9 for the State of California and protecting, restoring, and
10 enhancing the Delta ecosystem. The Secretary of the Inte-
11 rior, the Secretary of Commerce, the Army Corps of Engi-
12 neers and the Environmental Protection Agency Adminis-
13 trator shall jointly coordinate the efforts of the relevant
14 agencies and work with the State of California and other
15 stakeholders to complete and issue the Bay Delta Con-
16 servation Plan Final Environmental Impact Statement no
17 later than February 15, 2013. Nothing herein modifies ex-
18 isting requirements of Federal law.

19 SEC. 207. The Secretary of the Interior may partici-
20 pate in non-Federal groundwater banking programs to in-
21 crease the operational flexibility, reliability, and efficient
22 use of water in the State of California, and this participa-
23 tion may include making payment for the storage of Cen-
24 tral Valley Project water supplies, the purchase of stored
25 water, the purchase of shares or an interest in ground

1 banking facilities, or the use of Central Valley Project
2 water as a medium of payment for groundwater banking
3 services: *Provided*, That the Secretary of the Interior shall
4 participate in groundwater banking programs only to the
5 extent allowed under State law and consistent with water
6 rights applicable to the Central Valley Project: *Provided*
7 *further*, That any water user to which banked water is de-
8 livered shall pay for such water in the same manner pro-
9 vided by that water user's then-current Central Valley
10 Project water service, repayment, or water rights settle-
11 ment contract at the rate provided by the then-current
12 Central-Valley Project Irrigation or Municipal and Indus-
13 trial Rate Setting Policies; and: *Provided further*, That in
14 implementing this section, the Secretary of the Interior
15 shall comply with applicable environmental laws, including
16 the National Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.) and the Endangered Species Act of 1973
18 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or
19 limit the Secretary's existing authority to use groundwater
20 banking to meet existing fish and wildlife obligations.

21 SEC. 208. (a) Subject to compliance with all applica-
22 ble Federal and State laws, a transfer of irrigation water
23 among Central Valley Project contractors from the Friant,
24 San Felipe, West San Joaquin, and Delta divisions, and
25 a transfer from a long-term Friant Division water service

1 or repayment contractor to a temporary or prior tem-
2 porary service contractors within the place of use in exist-
3 ence on the date of the transfer, as identified in the Bu-
4 reau of Reclamation water rights permits for the Friant
5 Division, shall be considered to meet the conditions de-
6 scribed in subparagraphs (A) and (I) of section 3405(a)(1)
7 of the Reclamation Projects Authorization and Adjust-
8 ment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

9 (b) The Secretary of the Interior, acting through the
10 Director of the United States Fish and Wildlife Service
11 and the Commissioner of the Bureau of Reclamation shall
12 initiate and complete, on the most expedited basis prac-
13 ticable, programmatic environmental compliance so as to
14 facilitate voluntary water transfers within the Central Val-
15 ley Project, consistent with all applicable Federal and
16 State law.

17 (c) Not later than 180 days after the date of enact-
18 ment of this Act and each of the 4 years thereafter, the
19 Commissioner of the Bureau of Reclamation shall submit
20 to the committee on Appropriations of the House of Rep-
21 resentatives and the Committee on Appropriations of the
22 Senate a report that describes the status of efforts to help
23 facilitate and improve the water transfers within the Cen-
24 tral Valley Project and water transfers between the Cen-
25 tral Valley Project and other water projects in the State

1 of California; evaluates potential effects of this Act on
2 Federal programs, Indian tribes, Central Valley Project
3 operations, the environment, groundwater aquifers, ref-
4 uges, and communities; and provides recommendations on
5 ways to facilitate and improve the process for these trans-
6 fers.

7 SEC. 209. Section 10009(c)(2) of the San Joaquin
8 River Restoration Settlement Act (Public Law 111–11;
9 123 Stat. 1356) is amended by striking “October 1, 2019,
10 all funds in the Fund shall be available for expenditure
11 without further appropriation.” and inserting “October 1,
12 2014, all funds in the Fund shall be available for expendi-
13 ture on an annual basis in an amount not to exceed
14 \$40,000,000 without further appropriation.” in lieu there-
15 of.

16 TITLE III

17 DEPARTMENT OF ENERGY

18 ENERGY PROGRAMS

19 ENERGY EFFICIENCY AND RENEWABLE ENERGY

20 For Department of Energy expenses including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment, and other expenses necessary for energy
23 efficiency and renewable energy activities in carrying out
24 the purposes of the Department of Energy Organization
25 Act (42 U.S.C. 7101 et seq.), including the acquisition or

1 condemnation of any real property or any facility or for
2 plant or facility acquisition, construction, or expansion,
3 \$1,795,641,000, to remain available until expended: *Pro-*
4 *vided*, That \$165,000,000 shall be available until Sep-
5 tember 30, 2013 for program direction: *Provided further*,
6 That of the amount appropriated, the Secretary may use
7 not more than \$170,000,000 for activities of the Depart-
8 ment of Energy pursuant to the Defense Production Act
9 of 1950 (50 U.S.C. App. 2061, et seq.): *Provided further*,
10 That within 12 months of the date of enactment, the Sec-
11 retary shall initiate separate rulemakings to establish effi-
12 ciency standards for televisions and set top television
13 boxes.

14 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

15 For Department of Energy expenses including the
16 purchase, construction, and acquisition of plant and cap-
17 ital equipment, and other expenses necessary for elec-
18 tricity delivery and energy reliability activities in carrying
19 out the purposes of the Department of Energy Organiza-
20 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
21 tion or condemnation of any real property or any facility
22 or for plant or facility acquisition, construction, or expan-
23 sion, \$141,010,000, to remain available until expended:
24 *Provided*, That \$27,010,000 shall be available until Sep-
25 tember 30, 2013 for program direction.

1 NUCLEAR ENERGY

2 For Department of Energy expenses including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment, and other expenses necessary for nuclear
5 energy activities in carrying out the purposes of the De-
6 partment of Energy Organization Act (42 U.S.C. 7101 et
7 seq.), including the acquisition or condemnation of any
8 real property or any facility or for plant or facility acquisi-
9 tion, construction, or expansion, and the purchase of not
10 more than 10 buses, all for replacement only,
11 \$583,834,000, to remain available until expended: *Pro-*
12 *vided*, That \$86,279,000 shall be available until Sep-
13 tember 30, 2013 for program direction: *Provided further*,
14 That, notwithstanding any other provision of law, the De-
15 partment shall develop a strategy within 3 months of the
16 publication of the final report of the Blue Ribbon Commis-
17 sion on America's Nuclear Future to manage spent nu-
18 clear fuel and other nuclear waste at consolidated storage
19 facilities and permanent repositories that can be imple-
20 mented as expeditiously as possible.

21 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

22 (INCLUDING RESCISSION)

23 For necessary expenses in carrying out fossil energy
24 research and development activities, under the authority
25 of the Department of Energy Organization Act (Public

1 Law 95–91), including the acquisition of interest, includ-
2 ing defeasible and equitable interests in any real property
3 or any facility or for plant or facility acquisition or expan-
4 sion, and for conducting inquiries, technological investiga-
5 tions and research concerning the extraction, processing,
6 use, and disposal of mineral substances without objection-
7 able social and environmental costs (30 U.S.C. 3, 1602,
8 and 1603), \$445,471,000, to remain available until ex-
9 pended: *Provided*, That \$151,729,000 shall be available
10 until September 30, 2013 for program direction: *Provided*
11 *further*, That for all programs funded under Fossil Energy
12 appropriations in this Act or any other Act, the Secretary
13 may vest fee title or other property interests acquired
14 under projects in any entity, including the United States:
15 *Provided further*, That of prior-year balances,
16 \$187,000,000 are hereby rescinded: *Provided further*,
17 That no rescission made by the previous proviso shall
18 apply to any amount previously appropriated in Public
19 Law 111–5 or designated by the Congress as an emer-
20 gency requirement pursuant to a concurrent resolution on
21 the budget or the Balanced Budget and Emergency Def-
22 icit Control Act of 1985.

23 NAVAL PETROLEUM AND OIL SHALE RESERVES

24 For expenses necessary to carry out naval petroleum
25 and oil shale reserve activities, \$14,909,000, to remain

1 available until expended: *Provided*, That, notwithstanding
2 any other provision of law, unobligated funds remaining
3 from prior years shall be available for all naval petroleum
4 and oil shale reserve activities.

5 STRATEGIC PETROLEUM RESERVE

6 For necessary expenses for Strategic Petroleum Re-
7 serve facility development and operations and program
8 management activities pursuant to the Energy Policy and
9 Conservation Act of 1975, as amended (42 U.S.C. 6201
10 et seq.), \$192,704,000, to remain available until expended.

11 SPR PETROLEUM ACCOUNT

12 Notwithstanding sections 161 and 167 of the Energy
13 Policy and Conservation Act (42 U.S.C. 6241, 6247), the
14 Secretary of Energy shall sell \$500,00,000 in petroleum
15 products from the Reserve not later than March 1, 2012,
16 and shall deposit any proceeds from such sales in the Gen-
17 eral Fund of the Treasury: *Provided*, That paragraphs
18 (a)(1) and (2) of section 160 of the Energy Policy and
19 Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2))
20 are hereby repealed: *Provided further*, That unobligated
21 balances in this account shall be available to cover the
22 costs of any sale under this Act.

1 or facility acquisition, construction, or expansion,
2 \$219,121,000, to remain available until expended.

3 URANIUM ENRICHMENT DECONTAMINATION AND
4 DECOMMISSIONING FUND

5 For necessary expenses in carrying out uranium en-
6 richment facility decontamination and decommissioning,
7 remedial actions, and other activities of title II of the
8 Atomic Energy Act of 1954, and title X, subtitle A, of
9 the Energy Policy Act of 1992, \$429,000,000, to be de-
10 rived from the Uranium Enrichment Decontamination and
11 Decommissioning Fund, to remain available until ex-
12 pended.

13 SCIENCE

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment, and other expenses necessary for science
17 activities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or facility or for plant or facility acquisition, construc-
21 tion, or expansion, and purchase of not more than 49 pas-
22 senger motor vehicles for replacement only, including one
23 ambulance and one bus, \$4,842,665,000, to remain avail-
24 able until expended: *Provided*, That \$180,786,000 shall be
25 available until September 30, 2013 for program direction.

1 1702(h) of the Energy Policy Act of 2005 shall be credited
2 as offsetting collections to this account to cover adminis-
3 trative expenses and shall remain available until expended,
4 so as to result in a final fiscal year 2011 appropriations
5 from the general fund estimated at not more than \$0: *Pro-*
6 *vided further*, That fees collected under section 1702(h)
7 in excess of the amount appropriated for administrative
8 expenses shall not be available until appropriated: *Pro-*
9 *vided further*, That for amounts collected pursuant to sec-
10 tion 1702(b)(2) of the Energy Policy Act of 2005, the
11 source of such payment received from borrowers is not a
12 loan or other debt obligation that is guaranteed by the
13 Federal Government: *Provided further*, That pursuant to
14 section 1702(b)(2) of the Energy Policy Act of 2005, no
15 appropriations are available to pay the subsidy cost of
16 such guarantees for nuclear power or fossil energy facili-
17 ties: *Provided further*, That none of the loan guarantee au-
18 thority made available in this Act shall be available for
19 commitments to guarantee loans for any projects where
20 funds, personnel, or property (tangible or intangible) of
21 any Federal agency, instrumentality, personnel or affili-
22 ated entity are expected to be used (directly or indirectly)
23 through acquisitions, contracts, demonstrations, ex-
24 changes, grants, incentives, leases, procurements, sales,
25 other transaction authority, or other arrangements, to

1 support the project or to obtain goods or services from
2 the project: *Provided further*, That the previous provision
3 shall not be interpreted as precluding the use of the loan
4 guarantee authority in this Act for commitment to guar-
5 antee loans for projects as a result of such projects bene-
6 fitting from (a) otherwise allowable Federal income tax
7 benefits; (b) being located on Federal land pursuant to
8 a lease or right-of-way agreement for which all consider-
9 ation for all uses is (i) paid exclusively in cash, (ii) depos-
10 ited in the Treasury as offsetting receipts, and (iii) equal
11 to the fair market value as determined by the head of the
12 relevant Federal agency; (c) Federal insurance programs,
13 including Price-Anderson; or (d) for electric generation
14 projects, use of transmission facilities owned or operated
15 by a Federal Power Marketing Administration or the Ten-
16 nessee Valley Authority that have been authorized, ap-
17 proved, and financed independent of the project receiving
18 the guarantee: *Provided further*, That none of the loan
19 guarantee authority made available in this Act shall be
20 available for any project unless the Director of the Office
21 of Management and Budget has certified in advance in
22 writing that the loan guarantee and the project comply
23 with the provisions under this title.

1 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
2 LOAN PROGRAM

3 For administrative expenses in carrying out the Ad-
4 vanced Technology Vehicles Manufacturing Loan Pro-
5 gram, \$6,000,000, to remain available until expended.

6 DEPARTMENTAL ADMINISTRATION

7 For salaries and expenses of the Department of En-
8 ergy necessary for departmental administration in car-
9 rying out the purposes of the Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.), including the hire
11 of passenger motor vehicles and official reception and rep-
12 resentation expenses not to exceed \$30,000,
13 \$237,623,000, to remain available until expended, plus
14 such additional amounts as necessary to cover increases
15 in the estimated amount of cost of work for others not-
16 withstanding the provisions of the Anti-Deficiency Act (31
17 U.S.C. 1511 et seq.): *Provided*, That such increases in
18 cost of work are offset by revenue increases of the same
19 or greater amount, to remain available until expended:
20 *Provided further*, That moneys received by the Department
21 for miscellaneous revenues estimated to total
22 \$111,883,000 in fiscal year 2012 may be retained and
23 used for operating expenses within this account, and may
24 remain available until expended, as authorized by section
25 201 of Public Law 95–238, notwithstanding the provisions

1 of 31 U.S.C. 3302: *Provided further*, That the sum herein
2 appropriated shall be reduced by the amount of miscella-
3 neous revenues received during 2012, and any related ap-
4 propriated receipt account balances remaining from prior
5 years' miscellaneous revenues, so as to result in a final
6 fiscal year 2012 appropriation from the general fund esti-
7 mated at not more than \$125,740,000.

8 OFFICE OF THE INSPECTOR GENERAL

9 For necessary expenses of the Office of the Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, as amended, \$41,774,000, to remain
12 available until expended.

13 ATOMIC ENERGY DEFENSE ACTIVITIES

14 NATIONAL NUCLEAR SECURITY

15 ADMINISTRATION

16 WEAPONS ACTIVITIES

17 For Department of Energy expenses, including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment and other incidental expenses necessary for
20 atomic energy defense weapons activities in carrying out
21 the purposes of the Department of Energy Organization
22 Act (42 U.S.C. 7101 et seq.), including the acquisition or
23 condemnation of any real property or any facility or for
24 plant or facility acquisition, construction, or expansion,

1 the purchase of not to exceed one ambulance and one air-
2 craft; \$7,190,000,000, to remain available until expended.

3 DEFENSE NUCLEAR NONPROLIFERATION

4 (INCLUDING RESCISSION)

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other incidental expenses necessary for
8 defense nuclear nonproliferation activities, in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 and the purchase of not to exceed one passenger motor
14 vehicle for replacement only, \$2,404,300,000, to remain
15 available until expended: *Provided*, That of the unobli-
16 gated balances available under this heading, \$21,000,000
17 are hereby rescinded.

18 NAVAL REACTORS

19 For Department of Energy expenses necessary for
20 naval reactors activities to carry out the Department of
21 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
22 ing the acquisition (by purchase, condemnation, construc-
23 tion, or otherwise) of real property, plant, and capital
24 equipment, facilities, and facility expansion,
25 \$1,100,000,000, to remain available until expended.

1 OFFICE OF THE ADMINISTRATOR

2 For necessary expenses of the Office of the Adminis-
3 trator in the National Nuclear Security Administration,
4 including official reception and representation expenses
5 not to exceed \$12,000,\$404,000,000, to remain available
6 until September 30, 2013.

7 ENVIRONMENTAL AND OTHER DEFENSE

8 ACTIVITIES

9 DEFENSE ENVIRONMENTAL CLEANUP

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other expenses necessary for atomic
13 energy defense environmental cleanup activities in car-
14 rying out the purposes of the Department of Energy Orga-
15 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
16 sition or condemnation of any real property or any facility
17 or for plant or facility acquisition, construction, or expan-
18 sion, and the purchase of not to exceed one ambulances
19 and one fire truck for replacement only, \$5,002,308,000,
20 to remain available until expended: *Provided*, That
21 \$321,628,000 shall be available until September 30, 2013
22 for program direction.

23 OTHER DEFENSE ACTIVITIES

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other expenses, necessary for atomic
2 energy defense, other defense activities, and classified ac-
3 tivities, in carrying out the purposes of the Department
4 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
5 cluding the acquisition or condemnation of any real prop-
6 erty or any facility or for plant or facility acquisition, con-
7 struction, or expansion, and the purchase of not to exceed
8 10 passenger motor vehicles for replacement only,
9 \$819,000,000, to remain available until expended.

10 POWER MARKETING ADMINISTRATION

11 BONNEVILLE POWER ADMINISTRATION FUND

12 Expenditures from the Bonneville Power Administra-
13 tion Fund, established pursuant to Public Law 93-454,
14 are approved for the Kootenai River Native Fish Con-
15 servation Aquaculture Program, Lolo Creek Permanent
16 Weir Facility, and Improving Anadromous Fish produc-
17 tion on the Warm Springs Reservation, and, in addition,
18 for official reception and representation expenses in an
19 amount not to exceed \$7,000. During fiscal year 2012,
20 no new direct loan obligations may be made.

21 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

22 ADMINISTRATION

23 For necessary expenses of operation and maintenance
24 of power transmission facilities and of marketing electric
25 power and energy, including transmission wheeling and

1 ancillary services pursuant to section 5 of the Flood Con-
2 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
3 eastern power area, \$8,428,000, to remain available until
4 expended: *Provided*, That notwithstanding 31 U.S.C. 3302
5 and section 5 of the Flood Control Act of 1944, up to
6 \$8,428,000 collected by the Southeastern Power Adminis-
7 tration from the sale of power and related services shall
8 be credited to this account as discretionary offsetting col-
9 lections, to remain available until expended for the sole
10 purpose of funding the annual expenses of the South-
11 eastern Power Administration: *Provided further*, That the
12 sum herein appropriated for annual expenses shall be re-
13 duced as collections are received during the fiscal year so
14 as to result in a final fiscal year 2012 appropriation esti-
15 mated at not more than \$0: *Provided further*, That, not-
16 withstanding 31 U.S.C. 3302, up to \$100,162,000 col-
17 lected by the Southeastern Power Administration pursu-
18 ant to the Flood Control Act of 1944 to recover purchase
19 power and wheeling expenses shall be credited to this ac-
20 count as offsetting collections, to remain available until
21 expended for the sole purpose of making purchase power
22 and wheeling expenditures: *Provided further*, That for pur-
23 poses of this appropriation, annual expenses means ex-
24 penditures that are generally recovered in the same year

1 that they are incurred (excluding purchase power and
2 wheeling expenses).

3 OPERATION AND MAINTENANCE, SOUTHWESTERN
4 POWER ADMINISTRATION

5 For necessary expenses of operation and maintenance
6 of power transmission facilities and of marketing electric
7 power and energy, for construction and acquisition of
8 transmission lines, substations and appurtenant facilities,
9 and for administrative expenses, including official recep-
10 tion and representation expenses in an amount not to ex-
11 ceed \$1,500 in carrying out section 5 of the Flood Control
12 Act of 1944 (16 U.S.C. 825s), as applied to the South-
13 western Power Administration, \$45,010,000, to remain
14 available until expended: *Provided*, That notwithstanding
15 31 U.S.C. 3302 and section 5 of the Flood Control Act
16 of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected
17 by the Southwestern Power Administration from the sale
18 of power and related services shall be credited to this ac-
19 count as discretionary offsetting collections, to remain
20 available until expended, for the sole purpose of funding
21 the annual expenses of the Southwestern Power Adminis-
22 tration: *Provided further*, That the sum herein appro-
23 priated for annual expenses shall be reduced as collections
24 are received during the fiscal year so as to result in a final
25 fiscal year 2012 appropriation estimated at not more than

1 \$11,892,000: *Provided further*, That, notwithstanding 31
2 U.S.C. 3302, up to \$40,000,000 collected by the South-
3 western Power Administration pursuant to the Flood Con-
4 trol Act of 1944 to recover purchase power and wheeling
5 expenses shall be credited to this account as offsetting col-
6 lections, to remain available until expended for the sole
7 purpose of making purchase power and wheeling expendi-
8 tures: *Provided further*, That for purposes of this appro-
9 priation, annual expenses means expenditures that are
10 generally recovered in the same year that they are in-
11 curred (excluding purchase power and wheeling expenses).

12 CONSTRUCTION, REHABILITATION, OPERATION AND
13 MAINTENANCE, WESTERN AREA POWER ADMINIS-
14 TRATION

15 For carrying out the functions authorized by title III,
16 section 302(a)(1)(E) of the Act of August 4, 1977 (42
17 U.S.C. 7152), and other related activities including con-
18 servation and renewable resources programs as author-
19 ized, including official reception and representation ex-
20 penses in an amount not to exceed \$1,500; \$285,900,000,
21 to remain available until expended, of which \$278,856,000
22 shall be derived from the Department of the Interior Rec-
23 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
24 3302, section 5 of the Flood Control Act of 1944 (16
25 U.S.C. 825s), and section 1 of the Interior Department

1 Appropriation Act, 1939 (43 U.S.C. 392a), up to
2 \$189,932,000 collected by the Western Area Power Ad-
3 ministration from the sale of power and related services
4 shall be credited to this account as discretionary offsetting
5 collections, to remain available until expended, for the sole
6 purpose of funding the annual expenses of the Western
7 Area Power Administration: *Provided further*, That the
8 sum herein appropriated for annual expenses shall be re-
9 duced as collections are received during the fiscal year so
10 as to result in a final fiscal year 2012 appropriation esti-
11 mated at not more than \$95,968,000, of which
12 \$88,924,000 is derived from the Reclamation Fund: *Pro-*
13 *vided further*, That of the amount herein appropriated, not
14 more than \$3,375,000 is for deposit into the Utah Rec-
15 lamation Mitigation and Conservation Account pursuant
16 to title IV of the Reclamation Projects Authorization and
17 Adjustment Act of 1992: *Provided further*, That notwith-
18 standing 31 U.S.C. 3302, up to \$306,541,000 collected
19 by the Western Area Power Administration pursuant to
20 the Flood Control Act of 1944 and the Reclamation
21 Project Act of 1939 to recover purchase power and wheel-
22 ing expenses shall be credited to this account as offsetting
23 collections, to remain available until expended for the sole
24 purpose of making purchase power and wheeling expendi-
25 tures: *Provided further*, That for purposes of this appro-

1 priation, annual expenses means expenditures that are
2 generally recovered in the same year that they are in-
3 curred (excluding purchase power and wheeling expenses).

4 FALCON AND AMISTAD OPERATING AND MAINTENANCE
5 FUND

6 For operation, maintenance, and emergency costs for
7 the hydroelectric facilities at the Falcon and Amistad
8 Dams, \$4,169,000, to remain available until expended,
9 and to be derived from the Falcon and Amistad Operating
10 and Maintenance Fund of the Western Area Power Ad-
11 ministration, as provided in section 2 of the Act of June
12 18, 1954 (68 Stat. 255) as amended: *Provided*, That not-
13 withstanding the provisions of that Act and of 31 U.S.C.
14 3302, up to \$3,949,000 collected by the Western Area
15 Power Administration from the sale of power and related
16 services from the Falcon and Amistad Dams shall be cred-
17 ited to this account as discretionary offsetting collections,
18 to remain available until expended for the sole purpose
19 of funding the annual expenses of the hydroelectric facili-
20 ties of these Dams and associated Western Area Power
21 Administration activities: *Provided further*, That the sum
22 herein appropriated for annual expenses shall be reduced
23 as collections are received during the fiscal year so as to
24 result in a final fiscal year 2012 appropriation estimated
25 at not more than \$220,000: *Provided further*, That for

1 purposes of this appropriation, annual expenses means ex-
2 penditures that are generally recovered in the same year
3 that they are incurred.

4 FEDERAL ENERGY REGULATORY COMMISSION
5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Energy Regu-
7 latory Commission to carry out the provisions of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including services as authorized by 5 U.S.C. 3109,
10 the hire of passenger motor vehicles, and official reception
11 and representation expenses not to exceed
12 \$3,000,\$304,600,000, to remain available until expended:
13 *Provided*, That notwithstanding any other provision of
14 law, not to exceed \$304,600,000 of revenues from fees and
15 annual charges, and other services and collections in fiscal
16 year 2012 shall be retained and used for necessary ex-
17 penses in this account, and shall remain available until
18 expended: *Provided further*, That the sum herein appro-
19 priated from the general fund shall be reduced as revenues
20 are received during fiscal year 2012 so as to result in a
21 final fiscal year 2012 appropriation from the general fund
22 estimated at not more than \$0: *Provided further*, That not
23 later than 180 days after the date of enactment of this
24 Act, the Commission shall issue such regulations as are
25 necessary to clarify that a State may establish rates for

1 the wholesale sale of electric energy in interstate com-
2 merce pursuant to the Public Utility Regulatory Policies
3 Act of 1978 such that those rates shall not unduly dis-
4 criminate against the qualifying cogeneration facility or
5 qualifying small power production facility selling the elec-
6 tric energy or exceed the costs to produce and deliver the
7 electric energy, as determined for the specific technology
8 at issue.

9 GENERAL PROVISIONS—DEPARTMENT OF

10 ENERGY

11 SEC. 301. The unexpended balances of prior approp-
12 riations provided for activities in this Act may be avail-
13 able to the same appropriation accounts for such activities
14 established pursuant to this title. Available balances may
15 be merged with funds in the applicable established ac-
16 counts and thereafter may be accounted for as one fund
17 for the same time period as originally enacted.

18 SEC. 302. When the Department of Energy makes
19 a user facility available to universities or other potential
20 users, or seeks input from universities or other potential
21 users regarding significant characteristics or equipment in
22 a user facility or a proposed user facility, the Department
23 shall ensure broad public notice of such availability or
24 such need for input to universities and other potential
25 users. When the Department of Energy considers the par-

1 ticipation of a university or other potential user as a for-
2 mal partner in the establishment or operation of a user
3 facility, the Department shall employ full and open com-
4 petition in selecting such a partner. For purposes of this
5 section, the term “user facility” includes, but is not lim-
6 ited to:

7 (1) a user facility as described in section
8 2203(a)(2) of the Energy Policy Act of 1992 (42
9 U.S.C. 13503(a)(2));

10 (2) a National Nuclear Security Administration
11 Defense Programs Technology Deployment Center/
12 User Facility; and

13 (3) any other Departmental facility designated
14 by the Department as a user facility.

15 SEC. 303. Funds appropriated by this or any other
16 Act, or made available by the transfer of funds in this
17 Act, for intelligence activities are deemed to be specifically
18 authorized by the Congress for purposes of section 504
19 of the National Security Act of 1947 (50 U.S.C. 414) dur-
20 ing fiscal year 2012 until the enactment of the Intelligence
21 Authorization Act for fiscal year 2012.

22 SEC. 304. (a) SUBMISSION TO CONGRESS.—The Sec-
23 retary of Energy shall submit to Congress each year, at
24 the time that the President’s budget is submitted to Con-
25 gress that year under section 1105(a) of title 31, United

1 States Code, a future-years energy program reflecting the
2 estimated expenditures and proposed appropriations in-
3 cluded in that budget. Any such future-years energy pro-
4 gram shall cover the fiscal year with respect to which the
5 budget is submitted and at least the four succeeding fiscal
6 years. A future-years energy program shall be included in
7 the fiscal year 2014 budget submission to Congress and
8 every fiscal year thereafter.

9 (b) ELEMENTS.—Each future-years energy program
10 shall contain the following:

11 (1) The estimated expenditures and proposed
12 appropriations necessary to support programs,
13 projects, and activities of the Secretary of Energy
14 during the 5-fiscal year period covered by the pro-
15 gram, expressed in a level of detail comparable to
16 that contained in the budget submitted by the Presi-
17 dent to Congress under section 1105 of title 31,
18 United States Code.

19 (2) The estimated expenditures and proposed
20 appropriations shaped by high-level, prioritized pro-
21 gram and budgetary guidance that is consistent with
22 the administration's policies and out year budget
23 projections and reviewed by DOE's senior leadership
24 to ensure that the future-years energy program is

1 consistent and congruent with previously established
2 program and budgetary guidance.

3 (3) A description of the anticipated workload
4 requirements for each DOE national laboratory dur-
5 ing the 5-fiscal year period.

6 (c) CONSISTENCY IN BUDGETING.—

7 (1) The Secretary of Energy shall ensure that
8 amounts described in subparagraph (A) of para-
9 graph (2) for any fiscal year are consistent with
10 amounts described in subparagraph (B) of para-
11 graph (2) for that fiscal year.

12 (2) Amounts referred to in paragraph (1) are
13 the following:

14 (A) The amounts specified in program and
15 budget information submitted to Congress by
16 the Secretary of Energy in support of expendi-
17 ture estimates and proposed appropriations in
18 the budget submitted to Congress by the Presi-
19 dent under section 1105(a) of title 31, United
20 States Code, for any fiscal year, as shown in
21 the future-years energy program submitted pur-
22 suant to subsection (a).

23 (B) The total amounts of estimated ex-
24 penditures and proposed appropriations nec-
25 essary to support the programs, projects, and

1 activities of the administration included pursu-
2 ant to paragraph (5) of section 1105(a) of such
3 title in the budget submitted to Congress under
4 that section for any fiscal year.

5 SEC. 305. Section 1702 of the Energy Policy Act of
6 2005 (42 U.S.C. 16512) is amended—

7 (1) by striking subsection (b) and inserting the
8 following:

9 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-
10 TION.—

11 “(1) IN GENERAL.—No guarantee shall be
12 made unless—

13 “(A) an appropriation for the cost of the
14 guarantee has been made;

15 “(B) the Secretary has received from the
16 borrower a payment in full for the cost of the
17 guarantee and deposited the payment into the
18 Treasury; or

19 “(C) a combination of one or more appro-
20 priations under subparagraph (A) and one or
21 more payments from the borrower under sub-
22 paragraph (B) has been made that is sufficient
23 to cover the cost of the guarantee.”.

24 SEC. 306. Plant or construction projects for which
25 amounts are made available under this and subsequent ap-

1 appropriation Acts with a current estimated cost of less than
2 \$10,000,000 are considered for purposes of section 4703
3 of Public Law 107–314 as a plant project for which the
4 approved total estimated cost does not exceed the minor
5 construction threshold and for purposes of section 4704
6 of Public Law 107–314 as a construction project with a
7 current estimated cost of less than a minor construction
8 threshold.

9 SEC. 307. In section 839b(h)(10)(B) of title 16,
10 United States Code, strike “\$1,000,000” and insert
11 “\$5,000,000.”

12 (RESCISSION)

13 SEC. 308. None of the funds in this Act or any other
14 Act shall be used to deposit funds in excess of
15 \$25,000,000 from any Federal royalties, rents, and bo-
16 nuses derived from Federal onshore and off-shore oil and
17 gas leases issued under the Outer Continental Shelf Lands
18 Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act
19 (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Un-
20 conventional Natural Gas and Other Petroleum Research
21 Fund.

22 (RESCISSION)

23 SEC. 309. Of the amounts appropriated in this title,
24 \$73,700,000 are hereby rescinded, to reflect savings from
25 the contractor pay freeze instituted by the Department.

1 The Department shall allocate the rescission among the
2 appropriations made in this title.

3 SEC. 310. Recipients of grants awarded by the De-
4 partment in excess of \$1,000,000 shall certify that they
5 will, by the end of the fiscal year, upgrade the efficiency
6 of their facilities by replacing any lighting that does not
7 meet or exceed the energy efficiency standard for incan-
8 descent light bulbs set forth in section 325 of the Energy
9 Policy and Conservation Act (42 U.S.C. 6295).

10 SEC. 311. (a) Any determination (including a deter-
11 mination made prior to the date of enactment of this Act)
12 by the Secretary pursuant to section 3112(d)(2)(B) of the
13 USEC Privatization Act (110 Stat. 1321–335), as amend-
14 ed, that the sale or transfer of uranium will not have an
15 adverse material impact on the domestic uranium mining,
16 conversion, or enrichment industry shall be valid for not
17 more than 2 calendar years subsequent to such determina-
18 tion.

19 (b) Not less than 30 days prior to the transfer, sale,
20 barter, distribution, or other provision of uranium in any
21 form for the purpose of accelerating cleanup at a Federal
22 site, the Secretary shall notify the House and Senate Com-
23 mittees on Appropriations of the following:

24 (1) the amount of uranium to be transferred,
25 sold, bartered, distributed, or otherwise provided;

1 (2) an estimate by the Secretary of the gross
2 market value of the uranium on the expected date
3 of the transfer, sale, barter, distribution, or other
4 provision of the uranium;

5 (3) the expected date of transfer, sale, barter,
6 distribution, or other provision of the uranium;

7 (4) the recipient of the uranium; and

8 (5) the value of the services the Secretary ex-
9 pects to receive in exchange for the uranium, includ-
10 ing any reductions to the gross value of the uranium
11 by the recipient.

12 (c) Not later than June 30, 2012, the Secretary shall
13 submit to the House and Senate Committees on Appro-
14 priations a revised excess uranium inventory management
15 plan for fiscal years 2013 through 2018.

16 (d) Not later than December 31, 2011 the Secretary
17 shall submit to the House and Senate Committees on Ap-
18 propriations a report evaluating the economic feasibility
19 of re-enriching depleted uranium located at Federal sites.

20 SEC. 312. (a) The Secretary of Energy may allow a
21 third party, on a fee-for-service basis, to operate and
22 maintain a metering station of the Strategic Petroleum
23 Reserve that is underutilized (as defined in section 102–
24 75.50 of title 41, Code of Federal Regulations (or suc-
25 cessor regulations)) and related equipment.

1 (b) Funds collected under subsection (a) shall be de-
2 posited in the general fund of the Treasury.

3 TITLE IV

4 INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, for necessary expenses for the Federal
9 Co-Chairman and the Alternate on the Appalachian Re-
10 gional Commission, for payment of the Federal share of
11 the administrative expenses of the Commission, including
12 services as authorized by 5 U.S.C. 3109, and hire of pas-
13 senger motor vehicles, \$58,024,000, to remain available
14 until expended.

15 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Defense Nuclear Fa-
18 cilities Safety Board in carrying out activities authorized
19 by the Atomic Energy Act of 1954, as amended by Public
20 Law 100–456, section 1441, \$29,130,000, to remain
21 available until September 30, 2013: *Provided*, That within
22 90 days of enactment of this Act the Defense Nuclear Fa-
23 cilities Safety Board shall enter into an agreement for fis-
24 cal year 2012 and hereafter with the Office of the Inspec-
25 tor General of either the Nuclear Regulatory Commission

1 or the Department of Energy for inspector general serv-
2 ices.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

5 For necessary expenses of the Delta Regional Author-
6 ity and to carry out its activities, as authorized by the
7 Delta Regional Authority Act of 2000, as amended, not-
8 withstanding sections 382C(b)(2), 382F(d), 382M, and
9 382N of said Act, \$9,925,000, to remain available until
10 expended.

11 DENALI COMMISSION

12 For expenses of the Denali Commission including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment as necessary and other expenses,
15 \$9,077,000, to remain available until expended, notwith-
16 standing the limitations contained in section 306(g) of the
17 Denali Commission Act of 1998: *Provided*, That funds
18 shall be available for construction projects in an amount
19 not to exceed 80 percent of total project cost for distressed
20 communities, as defined by section 307 of the Denali Com-
21 mission Act of 1998 (division C, title III, Public Law 105-
22 277), as amended by section 701 of appendix D, title VII,
23 Public Law 106-113 (113 Stat. 1501A-280), and an
24 amount not to exceed 50 percent for non-distressed com-
25 munities.

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Commission in car-
4 rying out the purposes of the Energy Reorganization Act
5 of 1974, as amended, and the Atomic Energy Act of 1954,
6 as amended, including official representation expenses
7 (not to exceed \$25,000), \$1,027,240,000, to remain avail-
8 able until expended: *Provided*, That revenues from licens-
9 ing fees, inspection services, and other services and collec-
10 tions estimated at \$899,726,000 in fiscal year 2012 shall
11 be retained and used for necessary salaries and expenses
12 in this account, notwithstanding 31 U.S.C. 3302, and
13 shall remain available until expended: *Provided further*,
14 That the sum herein appropriated shall be reduced by the
15 amount of revenues received during fiscal year 2012 so
16 as to result in a final fiscal year 2012 appropriation esti-
17 mated at not more than \$127,514,000.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of the Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$10,860,000, to remain available
22 until expended: *Provided*, That revenues from licensing
23 fees, inspection services, and other services and collections
24 estimated at \$9,774,000 in fiscal year 2012 shall be re-
25 tained and be available until expended, for necessary sala-

1 ries and expenses in this account, notwithstanding section
2 3302 of title 31, United States Code: Provided further,
3 That the sum herein appropriated shall be reduced by the
4 amount of revenues received during fiscal year 2012 so
5 as to result in a final fiscal year 2012 appropriation esti-
6 mated at not more than \$1,086,000.

7 NUCLEAR WASTE TECHNICAL REVIEW BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the Nuclear Waste Tech-
10 nical Review Board, as authorized by Public Law 100-
11 203, section 5051, \$3,400,000 to be derived from the Nu-
12 clear Waste Fund, and to remain available until expended.

13 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

14 NATURAL GAS TRANSPORTATION PROJECTS

15 For necessary expenses for the Office of the Federal
16 Coordinator for Alaska Natural Gas Transportation
17 Projects pursuant to the Alaska Natural Gas Pipeline Act
18 of 2004, \$1,000,000.

19 NORTHERN BORDER REGIONAL COMMISSION

20 For necessary expenses of the Northern Border Re-
21 gional Commission in carrying out activities authorized by
22 subtitle V of title 40, United States Code, \$1,275,000, to
23 remain available until expended: *Provided*, That such
24 amounts shall be available for administrative expenses,

1 notwithstanding section 15751(b) of title 40, United
2 States Code.

3 SOUTHEAST CRESCENT REGIONAL COMMISSION

4 For necessary expenses of the Southeast Crescent Re-
5 gional Commission in carrying out activities authorized by
6 subtitle V of title 40, United States Code, \$213,000, to
7 remain available until expended.

8 GENERAL PROVISIONS

9 SEC. 401. (a) DEFINITIONS.—In this section:

10 (1) CHAIRPERSON.—The term “Chairperson”
11 means the Chairperson of the Commission.

12 (2) COMMISSION.—The term “Commission”
13 means the Nuclear Regulatory Commission.

14 (3) SPENT FUEL POOL.—The term “spent fuel
15 pool” means an underwater storage and cooling fa-
16 cility for spent (or depleted) fuel assemblies that
17 have been removed from a reactor.

18 (b) As soon as practicable after the date of enactment
19 of this Act, the Chairperson shall order licencees to, in
20 accordance with the recommendations of the 90-day task
21 force of the Commission, enhance spent fuel pools by:

22 (1) providing sufficient safety-related instru-
23 mentation that is able to withstand design-basis nat-
24 ural phenomena to monitor key spent fuel pool pa-

1 parameters (such as water level, temperature, and area
2 radiation levels) from a control room;

3 (2) providing safety-related, alternating-current
4 electrical power for the spent fuel pool makeup sys-
5 tem;

6 (3) providing onsite emergency electrical power
7 for spent fuel pools and instrumentation for cases in
8 which there exists irradiated fuel in a spent fuel
9 pool, regardless of the operational mode of the rel-
10 evant reactor; and

11 (4) installing a seismically qualified means to
12 spray water into spent fuel pools, including an easily
13 accessible connection to supply the water (such as
14 using a portable pump or pumper truck) at grade
15 outside a relevant structure.

16 SEC. 402. Consistent with the findings of its 90 Day
17 Task Force, the Nuclear Regulatory Commission shall
18 order licensees to reevaluate the seismic, tsunami, flooding
19 and other hazards at their sites as expeditiously as pos-
20 sible, and thereafter, at least once every 10 years, and the
21 Commission shall require licensees to demonstrate to the
22 Commission that the design basis of structures, systems,
23 and components for each operating reactor meet current
24 NRC requirements and guidance with regard to these
25 threats. The Commission shall require licensees to update

1 the design basis of structures, systems, and components
2 for each operating reactor, if necessary.

3 TITLE V

4 GENERAL PROVISIONS

5 SEC. 501. None of the funds appropriated by this Act
6 may be used in any way, directly or indirectly, to influence
7 congressional action on any legislation or appropriation
8 matters pending before Congress, other than to commu-
9 nicate to Members of Congress as described in 18 U.S.C.
10 1913.

11 SEC. 502. None of the funds made available in this
12 Act may be transferred to any department, agency, or in-
13 strumentality of the United States Government, except
14 pursuant to a transfer made by, or transfer authority pro-
15 vided in this Act or any other appropriation Act.

16 TITLE VI

17 ADDITIONAL FUNDING FOR DISASTER RELIEF

18 DEPARTMENT OF DEFENSE—CIVIL

19 DEPARTMENT OF THE ARMY

20 CORPS OF ENGINEERS—CIVIL

21 MISSISSIPPI RIVER AND TRIBUTARIES

22 For an additional amount for “Mississippi River and
23 Tributaries” for expenses resulting from a major disaster
24 designation pursuant to the Robert T. Stafford Disaster

1 Relief and Emergency Assistance Act (42 U.S.C.
2 5122(2)), \$890,177,300, to remain available until ex-
3 pended for repair of damages to Federal projects: *Pro-*
4 *vided*, That the Assistant Secretary of the Army for Civil
5 Works shall provide a monthly report to the Committees
6 on Appropriations of the House of Representatives and the
7 Senate detailing the allocation and obligation of these
8 funds, beginning not later than 60 days after enactment
9 of this Act: *Provided further*, That the amount in this
10 paragraph is designated by Congress as being for disaster
11 relief pursuant to section 251(b)(2)(D) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985 (Pub-
13 lic Law 99–177), as amended.

14 OPERATION AND MAINTENANCE

15 For an additional amount for “Operation and Main-
16 tenance” for expenses resulting from a major disaster des-
17 ignation pursuant to the Robert T. Stafford Disaster Re-
18 lief and Emergency Assistance Act (42 U.S.C. 5122(2))
19 to dredge navigation channels and repair damage to Corps
20 projects nationwide, \$88,003,700, to remain available
21 until expended: *Provided*, That the Assistant Secretary of
22 the Army for Civil Works shall provide a monthly report
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate detailing the allocation and
25 obligation of these funds, beginning not later than 60 days

1 after enactment of this Act: *Provided further*, That the
2 amount in this paragraph is designated by Congress as
3 being for disaster relief pursuant to section 251(b)(2)(D)
4 of the Balanced Budget and Emergency Deficit Control
5 Act of 1985 (Public Law 99–177), as amended.

6 FLOOD CONTROL AND COASTAL EMERGENCIES

7 For an additional amount for “Flood Control and
8 Coastal Emergencies”, for expenses resulting from a
9 major disaster designation pursuant to the Robert T. Staf-
10 ford Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5122(2)) as authorized by section 5 of the Act of
12 August 18, 1941 (33 U.S.C. 701n), for necessary expenses
13 to prepare for flood, hurricane and other natural disasters
14 and support emergency operations, repair and other activi-
15 ties in response to recent natural disasters as authorized
16 by law, \$66,387,000, to remain available until expended:
17 *Provided*, That the Assistant Secretary of the Army for
18 Civil Works shall provide a monthly report to the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate detailing the allocation and obligation of
21 these funds, beginning not later than 60 days after enact-
22 ment of this Act: *Provided further*, That the amount in
23 this paragraph is designated by Congress as being for dis-
24 aster relief pursuant to section 251(b)(2)(D) of the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985
2 (Public Law 99–177), as amended.

3 This Act may be cited as the “Energy and Water De-
4 velopment and Related Agencies Appropriations Act,
5 2012”.

6 **DIVISION B—FINANCIAL SERVICES AND**
7 **GENERAL GOVERNMENT**

8 The following sums are appropriated, out of any
9 money in the Treasury not otherwise appropriated, for fi-
10 nancial services and general government for the fiscal year
11 ending September 30, 2012, and for other purposes,
12 namely:

13 **TITLE I**
14 **DEPARTMENT OF THE TREASURY**
15 **DEPARTMENTAL OFFICES**
16 **SALARIES AND EXPENSES**
17 **(INCLUDING TRANSFERS OF FUNDS)**

18 For necessary expenses of the Departmental Offices
19 including operation and maintenance of the Treasury
20 Building and Annex; hire of passenger motor vehicles;
21 maintenance, repairs, and improvements of, and purchase
22 of commercial insurance policies for, real properties leased
23 or owned overseas, when necessary for the performance
24 of official business, \$306,388,000, including for terrorism
25 and financial intelligence activities; executive direction

1 program activities; international affairs and economic pol-
2 icy activities; domestic finance and tax policy activities;
3 and Treasury-wide management policies and programs ac-
4 tivities: *Provided*, That of the amount appropriated under
5 this heading, not to exceed \$3,000,000, to remain avail-
6 able until September 30, 2013, is for information tech-
7 nology modernization requirements; not to exceed
8 \$200,000 is for official reception and representation ex-
9 penses; \$200,000 is to support international representa-
10 tion commitments of the Secretary; and not to exceed
11 \$258,000 is for unforeseen emergencies of a confidential
12 nature, to be allocated and expended under the direction
13 of the Secretary of the Treasury and to be accounted for
14 solely on his certificate: *Provided further*, That of the
15 amount appropriated under this heading, \$6,787,000, to
16 remain available until September 30, 2013, is for the
17 Treasury-wide Financial Statement Audit and Internal
18 Control Program, of which such amounts as may be nec-
19 essary may be transferred to accounts of the Department's
20 offices and bureaus to conduct audits: *Provided further*,
21 That this transfer authority shall be in addition to any
22 other provided in this Act: *Provided further*, That of the
23 amount appropriated under this heading, \$500,000, to re-
24 main available until September 30, 2013, is for secure
25 space requirements: *Provided further*, That of the amount

1 appropriated under this heading, up to \$3,400,000, to re-
2 main available until September 30, 2014, is to develop and
3 implement programs within the Office of Critical Infra-
4 structure Protection and Compliance Policy, including en-
5 tering into cooperative agreements: *Provided further*, That
6 notwithstanding any other provision of law, up to
7 \$1,000,000, may be contributed to the Global Forum on
8 Transparency and Exchange of Information for Tax Pur-
9 poses, a Part II Program of the Organization for Eco-
10 nomic Cooperation and Development, to cover the cost as-
11 sessed by that organization for Treasury's participation
12 therein: *Provided further*, That of the amount appro-
13 priated under this heading, up to \$2,500,000 may be used
14 for training, recruitment, retention, and hiring additional
15 members of the acquisition workforce as defined by the
16 Office of Federal Procurement Policy Act, as amended (41
17 U.S.C. 401 et seq.) and for information technology in sup-
18 port of acquisition workforce effectiveness and manage-
19 ment.

20 OFFICE OF INSPECTOR GENERAL

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, \$29,641,000, of which not to exceed
25 \$2,000,000 shall be available for official travel expenses,

1 including hire of passenger motor vehicles; of which not
2 to exceed \$100,000 shall be available for unforeseen emer-
3 gencies of a confidential nature, to be allocated and ex-
4 pended under the direction of the Inspector General of the
5 Treasury; and of which not to exceed \$2,500 shall be avail-
6 able for official reception and representation expenses.

7 TREASURY INSPECTOR GENERAL FOR TAX

8 ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Treasury Inspector
11 General for Tax Administration in carrying out the In-
12 spector General Act of 1978, including purchase (not to
13 exceed 150 for replacement only for police-type use) and
14 hire of passenger motor vehicles (31 U.S.C. 1343(b));
15 services authorized by 5 U.S.C. 3109, at such rates as
16 may be determined by the Inspector General for Tax Ad-
17 ministration; \$151,696,000, of which not to exceed
18 \$6,000,000 shall be available for official travel expenses;
19 of which not to exceed \$500,000 shall be available for un-
20 foreseen emergencies of a confidential nature, to be allo-
21 cated and expended under the direction of the Inspector
22 General for Tax Administration; and of which not to ex-
23 ceed \$1,500 shall be available for official reception and
24 representation expenses.

1 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
2 ASSET RELIEF PROGRAM
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of the Special
5 Inspector General in carrying out the provisions of the
6 Emergency Economic Stabilization Act of 2008 (Public
7 Law 110–343), \$41,800,000.

8 FINANCIAL CRIMES ENFORCEMENT NETWORK
9 SALARIES AND EXPENSES

10 For necessary expenses of the Financial Crimes En-
11 forcement Network, including hire of passenger motor ve-
12 hicles; travel and training expenses, including for course
13 development, of non-Federal and foreign government per-
14 sonnel to attend meetings and training concerned with do-
15 mestic and foreign financial intelligence activities, law en-
16 forcement, and financial regulation; not to exceed \$14,000
17 for official reception and representation expenses; and for
18 assistance to Federal law enforcement agencies, with or
19 without reimbursement, \$110,788,000, of which not to ex-
20 ceed \$34,335,000 shall remain available until September
21 30, 2014: *Provided*, That funds appropriated in this ac-
22 count may be used to procure personal services contracts.

1 TREASURY FORFEITURE FUND

2 (RESCISSION)

3 Of the unobligated balances available under this
4 heading, \$750,000,000 are rescinded.

5 FINANCIAL MANAGEMENT SERVICE

6 SALARIES AND EXPENSES

7 For necessary expenses of the Financial Management
8 Service, \$217,805,000, of which not to exceed \$4,210,000
9 shall remain available until September 30, 2013, for infor-
10 mation systems modernization initiatives; and of which not
11 to exceed \$2,500 shall be available for official reception
12 and representation expenses.

13 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

14 SALARIES AND EXPENSES

15 For necessary expenses of carrying out section 1111
16 of the Homeland Security Act of 2002, including hire of
17 passenger motor vehicles, \$99,878,000; of which not to ex-
18 ceed \$6,000 for official reception and representation ex-
19 penses; not to exceed \$50,000 for cooperative research and
20 development programs for laboratory services; and provi-
21 sion of laboratory assistance to State and local agencies
22 with or without reimbursement: *Provided*, That of the
23 amount appropriated under this heading, \$2,000,000 shall
24 be for the costs of special law enforcement agents to target
25 tobacco smuggling and other criminal diversion activities.

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to section 5136 of title 31, United States
4 Code, the United States Mint is provided funding through
5 the United States Mint Public Enterprise Fund for costs
6 associated with the production of circulating coins, numis-
7 matic coins, and protective services, including both oper-
8 ating expenses and capital investments. The aggregate
9 amount of new liabilities and obligations incurred during
10 fiscal year 2012 under such section 5136 for circulating
11 coinage and protective service capital investments of the
12 United States Mint shall not exceed \$20,000,000.

13 BUREAU OF THE PUBLIC DEBT

14 ADMINISTERING THE PUBLIC DEBT

15 For necessary expenses connected with any public-
16 debt issues of the United States, \$173,635,000, of which
17 not to exceed \$2,500 shall be available for official recep-
18 tion and representation expenses, and of which not to ex-
19 ceed \$10,000,000 shall remain available until September
20 30, 2014, for the Do Not Pay portal initiative: *Provided,*
21 That the sum appropriated herein from the general fund
22 for fiscal year 2012 shall be reduced by not more than
23 \$8,000,000 as definitive security issue fees and Legacy
24 Treasury Direct Investor Account Maintenance fees are
25 collected, so as to result in a final fiscal year 2012 appro-

1 priation from the general fund estimated at \$165,635,000.
2 In addition, \$165,000 to be derived from the Oil Spill Li-
3 ability Trust Fund to reimburse the Bureau for adminis-
4 trative and personnel expenses for financial management
5 of the Fund, as authorized by section 1012 of Public Law
6 101-380.

7 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
8 FUND PROGRAM ACCOUNT

9 To carry out the Community Development Banking
10 and Financial Institutions Act of 1994 (Public Law 103-
11 325), including services authorized by 5 U.S.C. 3109, but
12 at rates for individuals not to exceed the per diem rate
13 equivalent to the rate for ES-3, notwithstanding section
14 4707(e) of title 12, United States Code, \$200,000,000, to
15 remain available until September 30, 2013; of which
16 \$12,000,000 shall be for financial assistance, technical as-
17 sistance, training and outreach programs, designed to ben-
18 efit Native American, Native Hawaiian, and Alaskan Na-
19 tive communities and provided primarily through qualified
20 community development lender organizations with experi-
21 ence and expertise in community development banking and
22 lending in Indian country, Native American organizations,
23 tribes and tribal organizations and other suitable pro-
24 viders; of which, notwithstanding sections 4707(d) and
25 4707(e) of title 12, United States Code, up to

1 \$22,000,000 shall be for a Healthy Food Financing Initia-
2 tive to provide grants and loans to community develop-
3 ment financial institutions for the purpose of offering af-
4 fordable financing and technical assistance to expand the
5 availability of healthy food options in distressed commu-
6 nities; of which up to \$36,000,000 shall be for initiatives
7 designed to enable individuals with low or moderate in-
8 come levels to establish bank accounts and to improve ac-
9 cess to the provision of bank accounts as authorized by
10 sections 1204 and 1205 of Public Law 111–203; of which
11 \$19,000,000 shall be for the Bank Enterprise Award pro-
12 gram; and of which up to \$22,965,000 may be used for
13 administrative expenses, including administration of the
14 New Markets Tax Credit.

15 INTERNAL REVENUE SERVICE

16 TAXPAYER SERVICES

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Internal Revenue Serv-
19 ice to provide taxpayer services, including pre-filing assist-
20 ance and education, filing and account services, taxpayer
21 advocacy services, and other services as authorized by 5
22 U.S.C. 3109, at such rates as may be determined by the
23 Commissioner, \$2,195,522,000, of which not less than
24 \$6,100,000 shall be for the Tax Counseling for the Elderly
25 Program, of which not less than \$10,000,000 shall be

1 available for low-income taxpayer clinic grants, of which
2 not less than \$12,000,000, to remain available until Sep-
3 tember 30, 2013, shall be available for a Community Vol-
4 unteer Income Tax Assistance matching grants dem-
5 onstration program for tax return preparation assistance,
6 of which not less than \$207,738,000 shall be available for
7 operating expenses of the Taxpayer Advocate Service, and
8 of which up to \$6,000,000 may be transferred as nec-
9 essary from this account to “Health Insurance Tax Credit
10 Administration” upon advance notification of the Commit-
11 tees on Appropriations: *Provided*, That this transfer au-
12 thority shall be in addition to any transfer authority pro-
13 vided in the Act: *Provided further*, That notwithstanding
14 any other provision of law, the Secretary may publicize
15 the low-income taxpayer clinic program and refer tax-
16 payers to specific qualified low-income taxpayer clinics re-
17 ceiving funding under this heading.

18 ENFORCEMENT

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses for tax enforcement activities
21 of the Internal Revenue Service to determine and collect
22 owed taxes, to provide legal and litigation support, to con-
23 duct criminal investigations, to enforce criminal statutes
24 related to violations of internal revenue laws and other fi-
25 nancial crimes, to purchase (for police-type use, not to ex-

1 ceed 850) and hire passenger motor vehicles (31 U.S.C.
2 1343(b)), and to provide other services as authorized by
3 5 U.S.C. 3109, at such rates as may be determined by
4 the Commissioner, \$5,228,613,000, of which not less than
5 \$60,257,000 shall be for the Interagency Crime and Drug
6 Enforcement program.

7
8 OPERATIONS SUPPORT

9 For necessary expenses of the Internal Revenue Serv-
10 ice to support taxpayer services and enforcement pro-
11 grams, including rent payments; facilities services; print-
12 ing; postage; physical security; headquarters and other
13 IRS-wide administration activities; research and statistics
14 of income; telecommunications; information technology de-
15 velopment, enhancement, operations, maintenance, and se-
16 curity; the hire of passenger motor vehicles (31 U.S.C.
17 1343(b)); and other services as authorized by 5 U.S.C.
18 3109, at such rates as may be determined by the Commis-
19 sioner; \$3,893,216,000, of which up to \$250,000,000 shall
20 remain available until September 30, 2013, for informa-
21 tion technology support; of which up to \$65,000,000 shall
22 remain available until expended for acquisition of real
23 property, equipment, construction and renovation of facili-
24 ties; of which not to exceed \$1,000,000 shall remain avail-
25 able until September 30, 2014, for research; of which not
less than \$2,000,000 shall be for the Internal Revenue

1 Service Oversight Board; of which not to exceed \$25,000
2 shall be for official reception and representation expenses.

3 BUSINESS SYSTEMS MODERNIZATION

4 For necessary expenses of the Internal Revenue Serv-
5 ice's business systems modernization program,
6 \$330,210,000, to remain available until September 30,
7 2014, for the capital asset acquisition of information tech-
8 nology systems, including management and related con-
9 tractual costs of said acquisitions, including related Inter-
10 nal Revenue Service labor costs, and contractual costs as-
11 sociated with operations authorized by 5 U.S.C. 3109:
12 *Provided, That, with the exception of labor costs, none of*
13 *these funds may be obligated until the Internal Revenue*
14 *Service submits to the Committees on Appropriations, and*
15 *such Committees approve, a plan for expenditure that:*

16 (1) meets the capital planning and investment
17 control review requirements established by the Office
18 of Management and Budget, including Circular A-
19 11;

20 (2) complies with the Internal Revenue Serv-
21 ice's enterprise architecture, including the mod-
22 ernization blueprint;

23 (3) conforms with the Internal Revenue Serv-
24 ice's enterprise life cycle methodology;

1 (4) is approved by the Internal Revenue Serv-
2 ice, the Department of the Treasury, and the Office
3 of Management and Budget;

4 (5) has been reviewed by the Government Ac-
5 countability Office; and

6 (6) complies with the acquisition rules, require-
7 ments, guidelines, and systems acquisition manage-
8 ment practices of the Federal Government.

9 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

10 For expenses necessary to implement the health in-
11 surance tax credit included in the Trade Act of 2002
12 (Public Law 107–210), \$15,481,000.

13 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

14 SERVICE

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 101. Not to exceed 5 percent of any appropria-
17 tion made available in this Act to the Internal Revenue
18 Service or not to exceed 3 percent of appropriations under
19 the heading “Enforcement” may be transferred to any
20 other Internal Revenue Service appropriation upon the ad-
21 vance approval of the Committees on Appropriations.

22 SEC. 102. The Internal Revenue Service shall main-
23 tain a training program to ensure that Internal Revenue
24 Service employees are trained in taxpayers’ rights, in deal-

1 ing courteously with taxpayers, and in cross-cultural rela-
2 tions.

3 SEC. 103. The Internal Revenue Service shall insti-
4 tute and enforce policies and procedures that will safe-
5 guard the confidentiality of taxpayer information.

6 SEC. 104. Funds made available by this or any other
7 Act to the Internal Revenue Service shall be available for
8 improved facilities and increased staffing to provide suffi-
9 cient and effective 1–800 help line service for taxpayers.
10 The Commissioner shall continue to make the improve-
11 ment of the Internal Revenue Service 1–800 help line serv-
12 ice a priority and allocate resources necessary to increase
13 phone lines and staff to improve the Internal Revenue
14 Service 1–800 help line service.

15 SEC. 105. None of the funds made available in this
16 Act may be used to enter into, renew, extend, administer,
17 implement, enforce, or provide oversight of any qualified
18 tax collection contract (as defined in section 6306 of the
19 Internal Revenue Code of 1986).

20 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
21 TREASURY

22 (INCLUDING TRANSFERS OF FUNDS)

23 SEC. 106. Appropriations to the Department of the
24 Treasury in this Act shall be available for uniforms or al-
25 lowances therefor, as authorized by law (5 U.S.C. 5901),

1 including maintenance, repairs, and cleaning; purchase of
2 insurance for official motor vehicles operated in foreign
3 countries; purchase of motor vehicles without regard to the
4 general purchase price limitations for vehicles purchased
5 and used overseas for the current fiscal year; entering into
6 contracts with the Department of State for the furnishing
7 of health and medical services to employees and their de-
8 pendants serving in foreign countries; and services author-
9 ized by 5 U.S.C. 3109.

10 SEC. 107. Not to exceed 2 percent of any appropria-
11 tions in this Act made available to the Departmental Of-
12 fices—Salaries and Expenses, Office of Inspector General,
13 Special Inspector General for the Troubled Asset Relief
14 Program, Financial Management Service, Alcohol and To-
15 bacco Tax and Trade Bureau, Financial Crimes Enforce-
16 ment Network, and Bureau of the Public Debt, may be
17 transferred between such appropriations upon the advance
18 approval of the Committees on Appropriations: *Provided*,
19 That no transfer may increase or decrease any such appro-
20 priation by more than 2 percent.

21 SEC. 108. Not to exceed 2 percent of any appropria-
22 tion made available in this Act to the Internal Revenue
23 Service may be transferred to the Treasury Inspector Gen-
24 eral for Tax Administration's appropriation upon the ad-
25 vance approval of the Committees on Appropriations: *Pro-*

1 *vided*, That no transfer may increase or decrease any such
2 appropriation by more than 2 percent.

3 SEC. 109. Of the funds available for the purchase of
4 law enforcement vehicles, no funds may be obligated until
5 the Secretary of the Treasury certifies that the purchase
6 by the respective Treasury bureau is consistent with de-
7 partmental vehicle management principles: *Provided*, That
8 the Secretary may delegate this authority to the Assistant
9 Secretary for Management.

10 SEC. 110. None of the funds appropriated in this Act
11 or otherwise available to the Department of the Treasury
12 or the Bureau of Engraving and Printing may be used
13 to redesign the \$1 Federal Reserve note.

14 SEC. 111. The Secretary of the Treasury may trans-
15 fer funds from Financial Management Service, Salaries
16 and Expenses to the Debt Collection Fund as necessary
17 to cover the costs of debt collection: *Provided*, That such
18 amounts shall be reimbursed to such salaries and expenses
19 account from debt collections received in the Debt Collec-
20 tion Fund.

21 SEC. 112. Section 122(g)(1) of Public Law 105–119
22 (5 U.S.C. 3104 note), is further amended by striking “12
23 years” and inserting “14 years”.

24 SEC. 113. None of the funds appropriated or other-
25 wise made available by this or any other Act may be used

1 by the United States Mint to construct or operate any mu-
2 seum without the explicit approval of the Committees on
3 Appropriations of the House of Representatives and the
4 Senate, the House Committee on Financial Services, and
5 the Senate Committee on Banking, Housing and Urban
6 Affairs.

7 SEC. 114. None of the funds appropriated or other-
8 wise made available by this or any other Act or source
9 to the Department of the Treasury, the Bureau of Engrav-
10 ing and Printing, and the United States Mint, individually
11 or collectively, may be used to consolidate any or all func-
12 tions of the Bureau of Engraving and Printing and the
13 United States Mint without the explicit approval of the
14 House Committee on Financial Services; the Senate Com-
15 mittee on Banking, Housing, and Urban Affairs; the
16 House Committee on Appropriations; and the Senate
17 Committee on Appropriations.

18 SEC. 115. Funds appropriated by this Act, or made
19 available by the transfer of funds in this Act, for the De-
20 partment of the Treasury's intelligence or intelligence re-
21 lated activities are deemed to be specifically authorized by
22 the Congress for purposes of section 504 of the National
23 Security Act of 1947 (50 U.S.C. 414) during fiscal year
24 2011 until the enactment of the Intelligence Authorization
25 Act for Fiscal Year 2012.

1 SEC. 116. Not to exceed \$5,000 shall be made avail-
2 able from the Bureau of Engraving and Printing's Indus-
3 trial Revolving Fund for necessary official reception and
4 representation expenses.

5 SEC. 117. The Secretary of the Treasury shall submit
6 a Capital Investment Plan to the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 not later than 30 days following the submission of the an-
9 nual budget for the Administration submitted by the
10 President: *Provided*, That such Capital Investment Plan
11 shall include capital investment spending from all accounts
12 within the Department of the Treasury, including but not
13 limited to the Department-wide Systems and Capital In-
14 vestment Programs account, the Working Capital Fund
15 account, and the Treasury Forfeiture Fund account: *Pro-*
16 *vided further*, That such Capital Investment Plan shall in-
17 clude expenditures occurring in previous fiscal years for
18 each capital investment project that has not been fully
19 completed.

20 This title may be cited as the “Department of the
21 Treasury Appropriations Act, 2012”.

1 TITLE II
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 COMPENSATION OF THE PRESIDENT

5 For compensation of the President, including an ex-
6 pense allowance at the rate of \$50,000 per annum as au-
7 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
8 of the funds made available for official expenses shall be
9 expended for any other purpose and any unused amount
10 shall revert to the Treasury pursuant to 31 U.S.C. 1552.

11 THE WHITE HOUSE
12 SALARIES AND EXPENSES

13 For necessary expenses for the White House as au-
14 thorized by law, including not to exceed \$3,850,000 for
15 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
16 subsistence expenses as authorized by 3 U.S.C. 105, which
17 shall be expended and accounted for as provided in that
18 section; hire of passenger motor vehicles, newspapers,
19 periodicals, teletype news service, and travel (not to exceed
20 \$100,000 to be expended and accounted for as provided
21 by 3 U.S.C. 103); and not to exceed \$19,000 for official
22 entertainment expenses, to be available for allocation with-
23 in the Executive Office of the President; and for necessary
24 expenses of the Office of Policy Development, including

1 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107,
2 \$57,851,000.

3 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

4 OPERATING EXPENSES

5 For the care, maintenance, repair and alteration, re-
6 furnishing, improvement, heating, and lighting, including
7 electric power and fixtures, of the Executive Residence at
8 the White House and official entertainment expenses of
9 the President, \$13,536,000, to be expended and accounted
10 for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

11 REIMBURSABLE EXPENSES

12 For the reimbursable expenses of the Executive Resi-
13 dence at the White House, such sums as may be nec-
14 essary: *Provided*, That all reimbursable operating expenses
15 of the Executive Residence shall be made in accordance
16 with the provisions of this paragraph: *Provided further*,
17 That, notwithstanding any other provision of law, such
18 amount for reimbursable operating expenses shall be the
19 exclusive authority of the Executive Residence to incur ob-
20 ligations and to receive offsetting collections, for such ex-
21 penses: *Provided further*, That the Executive Residence
22 shall require each person sponsoring a reimbursable polit-
23 ical event to pay in advance an amount equal to the esti-
24 mated cost of the event, and all such advance payments
25 shall be credited to this account and remain available until

1 expended: *Provided further*, That the Executive Residence
2 shall require the national committee of the political party
3 of the President to maintain on deposit \$25,000, to be
4 separately accounted for and available for expenses relat-
5 ing to reimbursable political events sponsored by such
6 committee during such fiscal year: *Provided further*, That
7 the Executive Residence shall ensure that a written notice
8 of any amount owed for a reimbursable operating expense
9 under this paragraph is submitted to the person owing
10 such amount within 60 days after such expense is in-
11 curred, and that such amount is collected within 30 days
12 after the submission of such notice: *Provided further*, That
13 the Executive Residence shall charge interest and assess
14 penalties and other charges on any such amount that is
15 not reimbursed within such 30 days, in accordance with
16 the interest and penalty provisions applicable to an out-
17 standing debt on a United States Government claim under
18 31 U.S.C. 3717: *Provided further*, That each such amount
19 that is reimbursed, and any accompanying interest and
20 charges, shall be deposited in the Treasury as miscella-
21 neous receipts: *Provided further*, That the Executive Resi-
22 dence shall prepare and submit to the Committees on Ap-
23 propriations, by not later than 90 days after the end of
24 the fiscal year covered by this Act, a report setting forth
25 the reimbursable operating expenses of the Executive Res-

1 idence during the preceding fiscal year, including the total
2 amount of such expenses, the amount of such total that
3 consists of reimbursable official and ceremonial events, the
4 amount of such total that consists of reimbursable political
5 events, and the portion of each such amount that has been
6 reimbursed as of the date of the report: *Provided further*,
7 That the Executive Residence shall maintain a system for
8 the tracking of expenses related to reimbursable events
9 within the Executive Residence that includes a standard
10 for the classification of any such expense as political or
11 nonpolitical: *Provided further*, That no provision of this
12 paragraph may be construed to exempt the Executive Res-
13 idence from any other applicable requirement of sub-
14 chapter I or II of chapter 37 of title 31, United States
15 Code.

16 WHITE HOUSE REPAIR AND RESTORATION

17 For the repair, alteration, and improvement of the
18 Executive Residence at the White House, \$990,000, to re-
19 main available until expended, for required maintenance,
20 resolution of safety and health issues, and continued pre-
21 ventative maintenance.

1 COUNCIL OF ECONOMIC ADVISERS

2 SALARIES AND EXPENSES

3 For necessary expenses of the Council of Economic
4 Advisers in carrying out its functions under the Employ-
5 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,192,000.

6 NATIONAL SECURITY COUNCIL AND HOMELAND

7 SECURITY COUNCIL

8 SALARIES AND EXPENSES

9 For necessary expenses of the National Security
10 Council and the Homeland Security Council, including
11 services as authorized by 5 U.S.C. 3109, \$13,048,000.

12 OFFICE OF ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of Administra-
15 tion, including services as authorized by 5 U.S.C. 3109
16 and 3 U.S.C. 107, and hire of passenger motor vehicles,
17 \$114,908,000, of which \$10,670,000 shall remain avail-
18 able until expended for continued modernization of the in-
19 formation technology infrastructure within the Executive
20 Office of the President.

21 OFFICE OF MANAGEMENT AND BUDGET

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Management
24 and Budget, including hire of passenger motor vehicles
25 and services as authorized by 5 U.S.C. 3109 and to carry

1 out the provisions of chapter 35 of title 44, United States
2 Code, \$90,833,000, of which not to exceed \$3,000 shall
3 be available for official representation expenses: *Provided*,
4 That none of the funds appropriated in this Act for the
5 Office of Management and Budget may be used for the
6 purpose of reviewing any agricultural marketing orders or
7 any activities or regulations under the provisions of the
8 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.
9 601 et seq.): *Provided further*, That none of the funds
10 made available for the Office of Management and Budget
11 by this Act may be expended for the altering of the tran-
12 script of actual testimony of witnesses, except for testi-
13 mony of officials of the Office of Management and Budget,
14 before the Committees on Appropriations or their sub-
15 committees: *Provided further*, That none of the funds pro-
16 vided in this or prior Acts shall be used, directly or indi-
17 rectly, by the Office of Management and Budget, for eval-
18 uating or determining if water resource project or study
19 reports submitted by the Chief of Engineers acting
20 through the Secretary of the Army are in compliance with
21 all applicable laws, regulations, and requirements relevant
22 to the Civil Works water resource planning process: *Pro-*
23 *vided further*, That the Office of Management and Budget
24 shall have not more than 60 days in which to perform
25 budgetary policy reviews of water resource matters on

1 which the Chief of Engineers has reported: *Provided fur-*
2 *ther*, That the Director of the Office of Management and
3 Budget shall notify the appropriate authorizing and ap-
4 propriating committees when the 60-day review is initi-
5 ated: *Provided further*, That if water resource reports have
6 not been transmitted to the appropriate authorizing and
7 appropriating committees within 15 days after the end of
8 the Office of Management and Budget review period based
9 on the notification from the Director, Congress shall as-
10 sume Office of Management and Budget concurrence with
11 the report and act accordingly.

12 GOVERNMENT-WIDE MANAGEMENT COUNCILS

13 (INCLUDING TRANSFER OF FUNDS)

14 Notwithstanding 31 U.S.C. 1346 and section 708 of
15 this Act, the head of each Executive department and agen-
16 cy is hereby authorized to transfer to or reimburse “Gen-
17 eral Services Administration, Government-wide Policy”
18 with the approval of the Director of the Office of Manage-
19 ment and Budget, funds made available for fiscal year
20 2012 by this or any other Act, including rebates from
21 charge card and other contracts: *Provided*, That these
22 funds shall be administered by the Administrator of Gen-
23 eral Services to support Government-wide and other multi-
24 agency financial, information technology, procurement,
25 and other management innovations, initiatives, and activi-

1 ties, as approved by the Director of the Office of Manage-
2 ment and Budget, in consultation with the appropriate
3 interagency and multi-agency groups designated by the
4 Director, including the President’s Management Council
5 for overall management improvement initiatives, the Chief
6 Financial Officers Council for financial management ini-
7 tiatives, the Chief Information Officers Council for infor-
8 mation technology initiatives, the Chief Human Capital
9 Officers Council for human capital initiatives, the Chief
10 Acquisition Officers Council for procurement initiatives,
11 and the Performance Improvement Council for perform-
12 ance improvement initiatives: *Provided further*, That the
13 total funds transferred or reimbursed shall not exceed
14 \$17,000,000: *Provided further*, That the funds transferred
15 to or for reimbursement of “General Services Administra-
16 tion, Government-wide Policy” during fiscal year 2012
17 shall remain available for obligation through September
18 30, 2013: *Provided further*, That such transfers or reim-
19 bursements may only be made following written approval
20 of the Committees on Appropriations of the House of Rep-
21 resentatives and the Senate.

22 OFFICE OF NATIONAL DRUG CONTROL POLICY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of National
25 Drug Control Policy; for research activities pursuant to

1 the Office of National Drug Control Policy Reauthoriza-
2 tion Act of 2006 (Public Law 109–469); not to exceed
3 \$10,000 for official reception and representation expenses;
4 and for participation in joint projects or in the provision
5 of services on matters of mutual interest with nonprofit,
6 research, or public organizations or agencies, with or with-
7 out reimbursement, \$26,125,000: *Provided*, That the Of-
8 fice is authorized to accept, hold, administer, and utilize
9 gifts, both real and personal, public and private, without
10 fiscal year limitation, for the purpose of aiding or facili-
11 tating the work of the Office.

12 FEDERAL DRUG CONTROL PROGRAMS

13 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

14 (INCLUDING TRANSFERS OF FUNDS)

15 For necessary expenses of the Office of National
16 Drug Control Policy’s High Intensity Drug Trafficking
17 Areas Program, \$238,522,000, to remain available until
18 September 30, 2013, for drug control activities consistent
19 with the approved strategy for each of the designated
20 High Intensity Drug Trafficking Areas (“HIDTAs”), of
21 which not less than 51 percent shall be transferred to
22 State and local entities for drug control activities and shall
23 be obligated not later than 120 days after enactment of
24 this Act: *Provided*, That up to 49 percent may be trans-
25 ferred to Federal agencies and departments in amounts

1 determined by the Director of the Office of National Drug
2 Control Policy (“the Director”), of which up to
3 \$2,700,000 may be used for auditing services and associ-
4 ated activities (including up to \$500,000 to ensure the
5 continued operation and maintenance of the Performance
6 Management System): *Provided further*, That, notwith-
7 standing the requirements of Public Law 106–58, any un-
8 expended funds obligated prior to fiscal year 2010 may
9 be used for any other approved activities of that High In-
10 tensity Drug Trafficking Area, subject to reprogramming
11 requirements: *Provided further*, That each High Intensity
12 Drug Trafficking Area designated as of September 30,
13 2011, shall be funded at not less than the fiscal year 2011
14 base level, unless the Director submits to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate justification for changes to those levels based on
17 clearly articulated priorities and published Office of Na-
18 tional Drug Control Policy performance measures of effec-
19 tiveness: *Provided further*, That the Director shall notify
20 the Committees on Appropriations of the initial allocation
21 of fiscal year 2012 funding among HIDTAs not later than
22 45 days after enactment of this Act, and shall notify the
23 Committees of planned uses of discretionary HIDTA
24 funding, as determined in consultation with the HIDTA

1 Directors, not later than 90 days after enactment of this
2 Act.

3 OTHER FEDERAL DRUG CONTROL PROGRAMS

4 (INCLUDING TRANSFERS OF FUNDS)

5 For other drug control activities authorized by the
6 Office of National Drug Control Policy Reauthorization
7 Act of 2006 (Public Law 109–469), \$105,950,000, to re-
8 main available until expended, which shall be available as
9 follows: \$92,600,000 for the Drug-Free Communities Pro-
10 gram, of which \$2,000,000 shall be made available as di-
11 rected by section 4 of Public Law 107–82, as amended
12 by Public Law 109–469 (21 U.S.C. 1521 note);
13 \$1,400,000 for drug court training and technical assist-
14 ance; \$8,900,000 for anti-doping activities; \$1,900,000 for
15 the United States membership dues to the World Anti-
16 Doping Agency; and \$1,150,000 shall be made available
17 as directed by section 1105 of Public Law 109–469.

18 UNANTICIPATED NEEDS

19 For expenses necessary to enable the President to
20 meet unanticipated needs, in furtherance of the national
21 interest, security, or defense which may arise at home or
22 abroad during the current fiscal year, as authorized by
23 3 U.S.C. 108, \$988,000, to remain available until Sep-
24 tember 30, 2013.

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1 SPECIAL ASSISTANCE TO THE PRESIDENT

2 SALARIES AND EXPENSES

3 For necessary expenses to enable the Vice President
4 to provide assistance to the President in connection with
5 specially assigned functions; services as authorized by 5
6 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
7 penses as authorized by 3 U.S.C. 106, which shall be ex-
8 pended and accounted for as provided in that section; and
9 hire of passenger motor vehicles, \$4,328,000.

10 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

11 OPERATING EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For the care, operation, refurnishing, improvement,
14 and to the extent not otherwise provided for, heating and
15 lighting, including electric power and fixtures, of the offi-
16 cial residence of the Vice President; the hire of passenger
17 motor vehicles; and not to exceed \$90,000 for official en-
18 tertainment expenses of the Vice President, to be ac-
19 counted for solely on his certificate, \$307,000: *Provided,*
20 That advances or repayments or transfers from this ap-
21 propriation may be made to any department or agency for
22 expenses of carrying out such activities.

1 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
2 THE PRESIDENT AND FUNDS APPROPRIATED TO
3 THE PRESIDENT

4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 201. From funds made available in this Act
6 under the headings “The White House”, “Executive Resi-
7 dence at the White House”, “White House Repair and
8 Restoration”, “Council of Economic Advisers”, “National
9 Security Council and Homeland Security Council”, “Of-
10 fice of Administration”, “Special Assistance to the Presi-
11 dent”, and “Official Residence of the Vice President”, the
12 Director of the Office of Management and Budget (or
13 such other officer as the President may designate in writ-
14 ing), may, 15 days after giving notice to the Committees
15 on Appropriations of the House of Representatives and the
16 Senate, transfer not to exceed 10 percent of any such ap-
17 propriation to any other such appropriation, to be merged
18 with and available for the same time and for the same
19 purposes as the appropriation to which transferred: *Pro-*
20 *vided*, That the amount of an appropriation shall not be
21 increased by more than 50 percent by such transfers: *Pro-*
22 *vided further*, That no amount shall be transferred from
23 “Special Assistance to the President” or “Official Resi-
24 dence of the Vice President” without the approval of the
25 Vice President.

1 SEC. 202. The Director of the Office of National
2 Drug Control Policy shall submit to the Committees on
3 Appropriations of the House of Representatives and the
4 Senate not later than 60 days after the date of enactment
5 of this Act, and prior to the initial obligation of more than
6 20 percent of the funds appropriated in any account under
7 the heading “Office of National Drug Control Policy”, a
8 detailed narrative and financial plan on the proposed uses
9 of all funds under the account by program, project, and
10 activity: *Provided*, That the reports required by this sec-
11 tion shall be updated and submitted to the Committees
12 on Appropriations every 6 months and shall include infor-
13 mation detailing how the estimates and assumptions con-
14 tained in previous reports have changed: *Provided further*,
15 That any new projects and changes in funding of ongoing
16 projects shall be subject to the prior approval of the Com-
17 mittees on Appropriations.

18 SEC. 203. Not to exceed 2 percent of any appropria-
19 tions in this Act made available to the Office of National
20 Drug Control Policy may be transferred between appro-
21 priated programs upon the advance approval of the Com-
22 mittees on Appropriations: *Provided*, That no transfer
23 may increase or decrease any such appropriation by more
24 than 3 percent.

1 SEC. 204. Not to exceed \$1,000,000 of any appro-
2 priations in this Act made available to the Office of Na-
3 tional Drug Control Policy may be reprogrammed within
4 a program, project, or activity upon the advance approval
5 of the Committees on Appropriations.

6 SEC. 205. From the unobligated balances of prior
7 year appropriations made available for the Counterdrug
8 Technology Assessment Center, \$11,328,000 are re-
9 scinded.

10 This title may be cited as the “Executive Office of
11 the President Appropriations Act, 2012”.

12 TITLE III

13 THE JUDICIARY

14 SUPREME COURT OF THE UNITED STATES

15 SALARIES AND EXPENSES

16 For expenses necessary for the operation of the Su-
17 preme Court, as required by law, excluding care of the
18 building and grounds, including purchase or hire, driving,
19 maintenance, and operation of an automobile for the Chief
20 Justice, not to exceed \$10,000 for the purpose of trans-
21 porting Associate Justices, and hire of passenger motor
22 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
23 to exceed \$10,000 for official reception and representation
24 expenses; and for miscellaneous expenses, to be expended

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1 as the Chief Justice may approve, \$74,819,000, of which
2 \$2,000,000 shall remain available until expended.

3 CARE OF THE BUILDING AND GROUNDS

4 For such expenditures as may be necessary to enable
5 the Architect of the Capitol to carry out the duties im-
6 posed upon the Architect by 40 U.S.C. 6111 and 6112,
7 \$8,159,000, to remain available until expended.

8 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
9 CIRCUIT

10 SALARIES AND EXPENSES

11 For salaries of the chief judge, judges, and other offi-
12 cers and employees, and for necessary expenses of the
13 court, as authorized by law, \$31,913,000.

14 UNITED STATES COURT OF INTERNATIONAL TRADE

15 SALARIES AND EXPENSES

16 For salaries of the chief judge and eight judges, sala-
17 ries of the officers and employees of the court, services,
18 and necessary expenses of the court, as authorized by law,
19 \$20,968,000.

20 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

21 JUDICIAL SERVICES

22 SALARIES AND EXPENSES

23 (INCLUDING TRANSFER OF FUNDS)

24 For the salaries of circuit and district judges (includ-
25 ing judges of the territorial courts of the United States),

1 justices and judges retired from office or from regular ac-
2 tive service, judges of the United States Court of Federal
3 Claims, bankruptcy judges, magistrate judges, and all
4 other officers and employees of the Federal Judiciary not
5 otherwise specifically provided for, and necessary expenses
6 of the courts, and the purchase of uniforms for Probation
7 and Pretrial Services office staff, as authorized by law,
8 \$4,970,646,000 (including the purchase of firearms and
9 ammunition); of which not to exceed \$27,817,000 shall re-
10 main available until expended for space alteration projects
11 and for furniture and furnishings related to new space al-
12 teration and construction projects.

13 In addition, for expenses of the United States Court
14 of Federal Claims associated with processing cases under
15 the National Childhood Vaccine Injury Act of 1986 (Pub-
16 lic Law 99-660), not to exceed \$4,775,000, to be appro-
17 priated from the Vaccine Injury Compensation Trust
18 Fund.

19 DEFENDER SERVICES

20 For the operation of Federal Defender organizations;
21 the compensation and reimbursement of expenses of attor-
22 neys appointed to represent persons under 18 U.S.C.
23 3006A, and also under 18 U.S.C. 3599, in cases in which
24 a defendant is charged with a crime that may be punish-
25 able by death; the compensation and reimbursement of ex-

1 penses of persons furnishing investigative, expert, and
2 other services under 18 U.S.C. 3006A(e), and also under
3 18 U.S.C. 3599(f) and (g)(2), in cases in which a defend-
4 ant is charged with a crime that may be punishable by
5 death; the compensation (in accordance with the maxi-
6 mums under 18 U.S.C. 3006A) and reimbursement of ex-
7 penses of attorneys appointed to assist the court in crimi-
8 nal cases where the defendant has waived representation
9 by counsel; the compensation and reimbursement of travel
10 expenses of guardians ad litem appointed under 18 U.S.C.
11 4100(b), acting on behalf of financially eligible minor or
12 incompetent offenders in connection with transfers from
13 the United States to foreign countries with which the
14 United States has a treaty for the execution of penal sen-
15 tences (18 U.S.C. 4100(b)); the compensation and reim-
16 bursement of expenses of attorneys appointed to represent
17 jurors in civil actions for the protection of their employ-
18 ment, as authorized by 28 U.S.C. 1875(d)(1); the com-
19 pensation and reimbursement of expenses of attorneys ap-
20 pointed under 18 U.S.C. 983(b)(1) in connection with cer-
21 tain judicial civil forfeiture proceedings; and for necessary
22 training and general administrative expenses,
23 \$1,034,182,000, to remain available until expended.

1 FEES OF JURORS AND COMMISSIONERS

2 For fees and expenses of jurors as authorized by 28
3 U.S.C. 1871 and 1876; compensation of jury commis-
4 sioners as authorized by 28 U.S.C. 1863; and compensa-
5 tion of commissioners appointed in condemnation cases
6 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
7 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$59,000,000,
8 to remain available until expended: *Provided*, That the
9 compensation of land commissioners shall not exceed the
10 daily equivalent of the highest rate payable under 5 U.S.C.
11 5332.

12 COURT SECURITY

13 (INCLUDING TRANSFERS OF FUNDS)

14 For necessary expenses, not otherwise provided for,
15 incident to the provision of protective guard services for
16 United States courthouses and other facilities housing
17 Federal court operations, and the procurement, installa-
18 tion, and maintenance of security systems and equipment
19 for United States courthouses and other facilities housing
20 Federal court operations, including building ingress-egress
21 control, inspection of mail and packages, directed security
22 patrols, perimeter security, basic security services provided
23 by the Federal Protective Service, and other similar activi-
24 ties as authorized by section 1010 of the Judicial Improve-
25 ment and Access to Justice Act (Public Law 100-702),

1 \$500,000,000, of which not to exceed \$15,000,000 shall
2 remain available until expended, to be expended directly
3 or transferred to the United States Marshals Service,
4 which shall be responsible for administering the Judicial
5 Facility Security Program consistent with standards or
6 guidelines agreed to by the Director of the Administrative
7 Office of the United States Courts and the Attorney Gen-
8 eral.

9 ADMINISTRATIVE OFFICE OF THE UNITED STATES

10 COURTS

11 SALARIES AND EXPENSES

12 For necessary expenses of the Administrative Office
13 of the United States Courts as authorized by law, includ-
14 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
15 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
16 advertising and rent in the District of Columbia and else-
17 where, \$82,000,000, of which not to exceed \$8,500 is au-
18 thorized for official reception and representation expenses.

19 FEDERAL JUDICIAL CENTER

20 SALARIES AND EXPENSES

21 For necessary expenses of the Federal Judicial Cen-
22 ter, as authorized by Public Law 90-219, \$27,000,000;
23 of which \$1,800,000 shall remain available through Sep-
24 tember 30, 2013, to provide education and training to
25 Federal court personnel; and of which not to exceed

1 \$1,500 is authorized for official reception and representa-
2 tion expenses.

3 JUDICIAL RETIREMENT FUNDS

4 PAYMENT TO JUDICIARY TRUST FUNDS

5 For payment to the Judicial Officers' Retirement
6 Fund, as authorized by 28 U.S.C. 377(o), \$86,968,000;
7 to the Judicial Survivors' Annuities Fund, as authorized
8 by 28 U.S.C. 376(e), \$12,600,000; and to the United
9 States Court of Federal Claims Judges' Retirement Fund,
10 as authorized by 28 U.S.C. 178(l), \$4,200,000.

11 UNITED STATES SENTENCING COMMISSION

12 SALARIES AND EXPENSES

13 For the salaries and expenses necessary to carry out
14 the provisions of chapter 58 of title 28, United States
15 Code, \$16,500,000, of which not to exceed \$1,000 is au-
16 thorized for official reception and representation expenses.

17 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 301. Appropriations and authorizations made in
20 this title which are available for salaries and expenses shall
21 be available for services as authorized by 5 U.S.C. 3109.

22 SEC. 302. Not to exceed 5 percent of any appropria-
23 tion made available for the current fiscal year for the Judi-
24 ciary in this Act may be transferred between such appro-
25 priations, but no such appropriation, except "Courts of

1 Appeals, District Courts, and Other Judicial Services, De-
2 fender Services” and “Courts of Appeals, District Courts,
3 and Other Judicial Services, Fees of Jurors and Commis-
4 sioners”, shall be increased by more than 10 percent by
5 any such transfers: *Provided*, That any transfer pursuant
6 to this section shall be treated as a reprogramming of
7 funds under sections 604 and 608 of this Act and shall
8 not be available for obligation or expenditure except in
9 compliance with the procedures set forth in section 608.

10 SEC. 303. Notwithstanding any other provision of
11 law, the salaries and expenses appropriation for “Courts
12 of Appeals, District Courts, and Other Judicial Services”
13 shall be available for official reception and representation
14 expenses of the Judicial Conference of the United States:
15 *Provided*, That such available funds shall not exceed
16 \$11,000 and shall be administered by the Director of the
17 Administrative Office of the United States Courts in the
18 capacity as Secretary of the Judicial Conference.

19 SEC. 304. Within 90 days after the date of the enact-
20 ment of this Act, the Administrative Office of the U.S.
21 Courts shall submit to the Committees on Appropriations
22 a comprehensive financial plan for the Judiciary allocating
23 all sources of available funds including appropriations, fee
24 collections, and carryover balances, to include a separate
25 and detailed plan for the Judiciary Information Tech-

1 nology Fund, which will establish the baseline for applica-
2 tion of reprogramming and transfer authorities for the
3 current fiscal year.

4 SEC. 305. Section 3314(a) of title 40, United States
5 Code, shall be applied by substituting “Federal” for “exec-
6 utive” each place it appears.

7 SEC. 306. In accordance with 28 U.S.C. 561–569,
8 and notwithstanding any other provision of law, the
9 United States Marshals Service shall provide, for such
10 courthouses as its Director may designate in consultation
11 with the Director of the Administrative Office of the
12 United States Courts, for purposes of a pilot program, the
13 security services that 40 U.S.C. 1315 authorizes the De-
14 partment of Homeland Security to provide, except for the
15 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
16 ing-specific security services at these courthouses, the Di-
17 rector of the Administrative Office of the United States
18 Courts shall reimburse the United States Marshals Service
19 rather than the Department of Homeland Security.

20 SEC. 307. Section 203(c) of the Judicial Improve-
21 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
22 note), is amended—

23 (1) in the third sentence (relating to the Dis-
24 trict of Kansas), by striking “20 years” and insert-
25 ing “21 years”; and

1 (2) in the seventh sentence (related to the Dis-
2 trict of Hawaii), by striking “17 years” and insert-
3 ing “18 years”.

4 This title may be cited as the “Judiciary Appropria-
5 tions Act, 2012”.

6 TITLE IV

7 DISTRICT OF COLUMBIA

8 FEDERAL FUNDS

9 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

10 For a Federal payment to the District of Columbia,
11 to be deposited into a dedicated account, for a nationwide
12 program to be administered by the Mayor, for District of
13 Columbia resident tuition support, \$30,000,000, to remain
14 available until expended: *Provided*, That such funds, in-
15 cluding any interest accrued thereon, may be used on be-
16 half of eligible District of Columbia residents to pay an
17 amount based upon the difference between in-State and
18 out-of-State tuition at public institutions of higher edu-
19 cation, or to pay up to \$2,500 each year at eligible private
20 institutions of higher education: *Provided further*, That the
21 awarding of such funds may be prioritized on the basis
22 of a resident’s academic merit, the income and need of
23 eligible students and such other factors as may be author-
24 ized: *Provided further*, That the District of Columbia gov-
25 ernment shall maintain a dedicated account for the Resi-

1 dent Tuition Support Program that shall consist of the
2 Federal funds appropriated to the Program in this Act
3 and any subsequent appropriations, any unobligated bal-
4 ances from prior fiscal years, and any interest earned in
5 this or any fiscal year: *Provided further*, That the account
6 shall be under the control of the District of Columbia
7 Chief Financial Officer, who shall use those funds solely
8 for the purposes of carrying out the Resident Tuition Sup-
9 port Program: *Provided further*, That the Office of the
10 Chief Financial Officer shall provide a quarterly financial
11 report to the Committees on Appropriations of the House
12 of Representatives and the Senate for these funds show-
13 ing, by object class, the expenditures made and the pur-
14 pose therefor.

15 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
16 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

17 For a Federal payment of necessary expenses, as de-
18 termined by the Mayor of the District of Columbia in writ-
19 ten consultation with the elected county or city officials
20 of surrounding jurisdictions, \$14,900,000, to remain
21 available until expended and in addition any funds that
22 remain available from prior year appropriations under this
23 heading for the District of Columbia Government, for the
24 costs of providing public safety at events related to the
25 presence of the national capital in the District of Colum-

1 bia, including support requested by the Director of the
2 United States Secret Service Division in carrying out pro-
3 tective duties under the direction of the Secretary of
4 Homeland Security, and for the costs of providing support
5 to respond to immediate and specific terrorist threats or
6 attacks in the District of Columbia or surrounding juris-
7 dictions.

8 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
9 COURTS

10 For salaries and expenses for the District of Colum-
11 bia Courts, \$230,319,000 to be allocated as follows: for
12 the District of Columbia Court of Appeals, \$12,830,000,
13 of which not to exceed \$2,500 is for official reception and
14 representation expenses; for the District of Columbia Su-
15 perior Court, \$111,687,000, of which not to exceed \$2,500
16 is for official reception and representation expenses; for
17 the District of Columbia Court System, \$66,712,000, of
18 which not to exceed \$2,500 is for official reception and
19 representation expenses; and \$39,090,000, to remain
20 available until September 30, 2013, for capital improve-
21 ments for District of Columbia courthouse facilities: *Pro-*
22 *vided*, That funds made available for capital improvements
23 shall be expended consistent with the District of Columbia
24 Courts master plan study and building evaluation report:
25 *Provided further*, That notwithstanding any other provi-

1 sion of law, all amounts under this heading shall be appor-
2 tioned quarterly by the Office of Management and Budget
3 and obligated and expended in the same manner as funds
4 appropriated for salaries and expenses of other Federal
5 agencies, with payroll and financial services to be provided
6 on a contractual basis with the General Services Adminis-
7 tration (GSA), and such services shall include the prepara-
8 tion of monthly financial reports, copies of which shall be
9 submitted directly by GSA to the President and to the
10 Committees on Appropriations of the House of Represent-
11 atives and the Senate, the Committee on Oversight and
12 Government Reform of the House of Representatives, and
13 the Committee on Homeland Security and Governmental
14 Affairs of the Senate: *Provided further*, That 30 days after
15 providing written notice to the Committees on Appropria-
16 tions of the House of Representatives and the Senate, the
17 District of Columbia Courts may reallocate not more than
18 \$3,000,000 of the funds provided under this heading
19 among the items and entities funded under this heading,
20 but no such allocation shall be increased by more than
21 10 percent.

1 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
2 DISTRICT OF COLUMBIA COURTS
3 (INCLUDING TRANSFER OF FUNDS)

4 For payments authorized under section 11–2604 and
5 section 11–2605, D.C. Official Code (relating to represen-
6 tation provided under the District of Columbia Criminal
7 Justice Act), payments for counsel appointed in pro-
8 ceedings in the Family Court of the Superior Court of the
9 District of Columbia under chapter 23 of title 16, D.C.
10 Official Code, or pursuant to contractual agreements to
11 provide guardian ad litem representation, training, tech-
12 nical assistance, and such other services as are necessary
13 to improve the quality of guardian ad litem representation,
14 payments for counsel appointed in adoption proceedings
15 under chapter 3 of title 16, D.C. Official Code, and pay-
16 ments authorized under section 21–2060, D.C. Official
17 Code (relating to services provided under the District of
18 Columbia Guardianship, Protective Proceedings, and Du-
19 rable Power of Attorney Act of 1986), \$55,000,000, to
20 remain available until expended: *Provided*, That funds pro-
21 vided under this heading shall be administered by the
22 Joint Committee on Judicial Administration in the Dis-
23 trict of Columbia: *Provided further*, That notwithstanding
24 any other provision of law, this appropriation shall be ap-
25 portioned quarterly by the Office of Management and

1 Budget and obligated and expended in the same manner
2 as funds appropriated for expenses of other Federal agen-
3 cies, with payroll and financial services to be provided on
4 a contractual basis with the General Services Administra-
5 tion (GSA), and such services shall include the prepara-
6 tion of monthly financial reports, copies of which shall be
7 submitted directly by GSA to the President and to the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate, the Committee on Oversight and
10 Government Reform of the House of Representatives, and
11 the Committee on Homeland Security and Governmental
12 Affairs of the Senate: *Provided further*, That not more
13 than \$10,000,000 of the funds provided in this account
14 may be transferred to, and merged with, funds made avail-
15 able under the heading “Federal Payment to the District
16 of Columbia Courts” for District of Columbia courthouse
17 facilities.

18 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
19 FENDER SUPERVISION AGENCY FOR THE DISTRICT
20 OF COLUMBIA

21 For salaries and expenses, including the transfer and
22 hire of motor vehicles, of the Court Services and Offender
23 Supervision Agency for the District of Columbia, as au-
24 thorized by the National Capital Revitalization and Self-
25 Government Improvement Act of 1997, \$212,983,000, of

1 which not to exceed \$2,000 is for official reception and
2 representation expenses related to Community Supervision
3 and Pretrial Services Agency programs; of which not to
4 exceed \$25,000 is for dues and assessments relating to
5 the implementation of the Court Services and Offender
6 Supervision Agency Interstate Supervision Act of 2002;
7 of which \$1,000,000 shall remain available until Sep-
8 tember 30, 2014 for relocation of the Pretrial Services
9 Agency drug testing laboratory; of which \$153,548,000
10 shall be for necessary expenses of Community Supervision
11 and Sex Offender Registration, to include expenses relat-
12 ing to the supervision of adults subject to protection or-
13 ders or the provision of services for or related to such per-
14 sons; of which \$59,435,000 shall be available to the Pre-
15 trial Services Agency: *Provided*, That notwithstanding any
16 other provision of law, all amounts under this heading
17 shall be apportioned quarterly by the Office of Manage-
18 ment and Budget and obligated and expended in the same
19 manner as funds appropriated for salaries and expenses
20 of other Federal agencies: *Provided further*, That not less
21 than \$1,500,000 shall be available for re-entrant housing
22 in the District of Columbia: *Provided further*, That the Di-
23 rector is authorized to accept and use gifts in the form
24 of in-kind contributions of space and hospitality to support
25 offender and defendant programs, and equipment and vo-

1 cational training services to educate and train offenders
2 and defendants: *Provided further*, That the Director shall
3 keep accurate and detailed records of the acceptance and
4 use of any gift or donation under the previous proviso,
5 and shall make such records available for audit and public
6 inspection: *Provided further*, That the Court Services and
7 Offender Supervision Agency Director is authorized to ac-
8 cept and use reimbursement from the District of Columbia
9 Government for space and services provided on a cost re-
10 imburseable basis.

11 FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE
12 FOR THE DISTRICT OF COLUMBIA

13 For salaries and expenses, including the transfer and
14 hire of motor vehicles, of the District of Columbia Public
15 Defender Service, as authorized by the National Capital
16 Revitalization and Self-Government Improvement Act of
17 1997, \$37,241,000: *Provided*, That notwithstanding any
18 other provision of law, all amounts under this heading
19 shall be apportioned quarterly by the Office of Manage-
20 ment and Budget and obligated and expended in the same
21 manner as funds appropriated for salaries and expenses
22 of Federal agencies.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 WATER AND SEWER AUTHORITY

3 For a Federal payment to the District of Columbia
4 Water and Sewer Authority, \$15,000,000, to remain avail-
5 able until expended, to continue implementation of the
6 Combined Sewer Overflow Long-Term Plan: *Provided*,
7 That the District of Columbia Water and Sewer Authority
8 provides a 100 percent match for this payment.

9 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

10 COORDINATING COUNCIL

11 For a Federal payment to the Criminal Justice Co-
12 ordinating Council, \$1,800,000, to remain available until
13 expended, to support initiatives related to the coordination
14 of Federal and local criminal justice resources in the Dis-
15 trict of Columbia.

16 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

17 For a Federal payment, to remain available until
18 September 30, 2013, to the Commission on Judicial Dis-
19 abilities and Tenure, \$295,000, and for the Judicial Nomi-
20 nation Commission, \$205,000.

21 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

22 For a Federal payment for a school improvement pro-
23 gram in the District of Columbia, \$60,000,000, to be allo-
24 cated as follows: for the District of Columbia Public
25 Schools, \$20,000,000 to improve public school education

1 in the District of Columbia, to remain available until ex-
2 pended; for the State Education Office, \$20,000,000 to
3 expand quality public charter schools in the District of Co-
4 lumbia, to remain available until expended; and for the
5 Secretary of the Department of Education, \$20,000,000
6 to provide opportunity scholarships for students in the
7 District of Columbia in accordance with the Scholarships
8 for Opportunity and Results Act (Public Law 112–10, di-
9 vision C, 125 Stat. 199), to remain available until ex-
10 pended.

11 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

12 NATIONAL GUARD

13 For a Federal payment to the District of Columbia
14 National Guard, \$375,000, to remain available until ex-
15 pended for the Major General David F. Wherley, Jr. Dis-
16 trict of Columbia National Guard Retention and College
17 Access Program.

18 DISTRICT OF COLUMBIA FUNDS

19 The following amounts are appropriated for the Dis-
20 trict of Columbia for the current fiscal year out of the
21 General Fund of the District of Columbia (“General
22 Fund”), except as otherwise specifically provided: *Pro-*
23 *vided*, That notwithstanding any other provision of law,
24 except as provided in section 450A of the District of Co-
25 lumbia Home Rule Act, (114 Stat. 2440; D.C. Official

1 Code, section 1–204.50a) and provisions of this Act, the
2 total amount appropriated in this Act for operating ex-
3 penses for the District of Columbia for fiscal year 2012
4 under this heading shall not exceed the lesser of the sum
5 of the total revenues of the District of Columbia for such
6 fiscal year or \$10,911,966,000 (of which \$6,208,646,000
7 shall be from local funds, (including \$526,594,000 from
8 dedicated taxes), \$1,015,449,000 shall be from Federal
9 grant funds, \$1,499,115,000 from Medicaid payments,
10 \$2,040,504,000 shall be from other funds, and
11 \$25,677,000 shall be from private funds, and
12 \$122,575,000 shall be from funds previously appropriated
13 in this Act as Federal payments: *Provided further*, That
14 of the local funds, such amounts as may be necessary may
15 be derived from the District’s General Fund balance: *Pro-*
16 *vided further*, That of these funds the District’s intra-District
17 authority shall be \$619,632,000: in addition, for cap-
18 ital construction projects, an increase of \$4,024,828,000,
19 of which \$2,934,012,000 shall be from local funds,
20 \$223,858,000 from the District of Columbia Highway
21 Trust Fund, \$50,466,000 from the Local Transportation
22 Fund, \$816,492,000 from Federal grant funds, and a re-
23 scission of \$2,835,689,000 of which \$1,796,345,000 shall
24 be from local funds, \$749,426,000 from Federal grant
25 funds, \$252,694,000 from the District of Columbia High-

1 way Trust Fund, and \$37,224,000 from the Local Trans-
2 portation Fund appropriated under this heading in prior
3 fiscal years, for a net amount of \$1,189,139,000, to re-
4 main available until expended: *Provided further*, That the
5 amounts provided under this heading are to be available,
6 allocated, and expended as proposed under title III of the
7 Fiscal Year 2012 Budget Request Act of 2011, at the rate
8 set forth under “District of Columbia Funds Division of
9 Expenses” as included in the of the Fiscal Year 2012 Pro-
10 posed Budget and Financial Plan submitted to the Con-
11 gress by the District of Columbia: *Provided further*, That
12 this amount may be increased by proceeds of one-time
13 transactions, which are expended for emergency or unan-
14 ticipated operating or capital needs: *Provided further*,
15 That such increases shall be approved by enactment of
16 local District law and shall comply with all reserve require-
17 ments contained in the District of Columbia Home Rule
18 Act: *Provided further*, That the Chief Financial Officer of
19 the District of Columbia shall take such steps as are nec-
20 essary to assure that the District of Columbia meets these
21 requirements, including the apportioning by the Chief Fi-
22 nancial Officer of the appropriations and funds made
23 available to the District during fiscal year 2012, except
24 that the Chief Financial Officer may not reprogram for

1 operating expenses any funds derived from bonds, notes,
2 or other obligations issued for capital projects.

3 This title may be cited as the “District of Columbia
4 Appropriations Act, 2012”.

5 TITLE V

6 INDEPENDENT AGENCIES

7 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

8 SALARIES AND EXPENSES

9 For necessary expenses of the Administrative Con-
10 ference of the United States, authorized by 5 U.S.C. 591
11 et seq., \$2,900,000, to remain available until September
12 30, 2013, of which not to exceed \$1,000,000 is for official
13 reception and representation expenses.

14 CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

15 SALARIES AND EXPENSES

16 For payment to the Christopher Columbus Fellow-
17 ship Foundation, established by section 423 of Public Law
18 102–281, \$450,000, to remain available until expended.

19 COMMODITY FUTURES TRADING COMMISSION

20 For necessary expenses to carry out the provisions
21 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
22 cluding the purchase and hire of passenger motor vehicles,
23 and the rental of space (to include multiple year leases)
24 in the District of Columbia and elsewhere, \$240,000,000,
25 to remain available until September 30, 2013, including

1 not to exceed \$3,000 for official reception and representa-
2 tion expenses, and not to exceed \$25,000 for the expenses
3 for consultations and meetings hosted by the Commission
4 with foreign governmental and other regulatory officials,
5 and of which \$66,000,000 shall remain available for infor-
6 mation technology investments until September 30, 2014.

7 CONSUMER PRODUCT SAFETY COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Consumer Product
10 Safety Commission, including hire of passenger motor ve-
11 hicles, services as authorized by 5 U.S.C. 3109, but at
12 rates for individuals not to exceed the per diem rate equiv-
13 alent to the maximum rate payable under 5 U.S.C. 5376,
14 purchase of nominal awards to recognize non-Federal offi-
15 cials' contributions to Commission activities, and not to
16 exceed \$4,000 for official reception and representation ex-
17 penses, \$114,500,000.

18 ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT

19 SAFETY COMMISSION

20 SEC. 501. Section 4(g) of the Consumer Product
21 Safety Act (15 U.S.C. 2053(g)) is amended by adding at
22 the end the following:

23 “(5) The Chairman may provide to officers and
24 employees of the Commission who are appointed or
25 assigned by the Commission to serve abroad (as de-

1 fined in section 102 of the Foreign Service Act of
2 1980 (22 U.S.C. 3902)) travel benefits similar to
3 those authorized for members of the Foreign Service
4 of the United Service under chapter 9 of such Act
5 (22 U.S.C. 4081 et seq.).”.

6 SEC. 502. (a) The Consumer Product Safety Act (15
7 U.S.C. 2051 et seq.) is amended by inserting after section
8 17 the following:

9 **“SEC. 17A. SERVICE OF PROCESS.**

10 “(a) DESIGNATING AGENTS.—

11 “(1) IN GENERAL.—The Commission may re-
12 quire a manufacturer, or class of manufacturers, of-
13 fering a consumer product for import to designate
14 an agent in the United States on whom service of
15 notices and process in administrative and judicial
16 proceedings may be made.

17 “(2) FILING.—The designation shall be in writ-
18 ing and filed with the Commission.

19 “(3) MODIFICATION.—The designation may be
20 changed in the same way originally made.

21 “(b) SERVICE.—

22 “(1) PLACE OF SERVICE.—An agent may be
23 served at the agent’s office or usual place of resi-
24 dence.

1 (B) to be included on packaging for button
2 cell batteries sold to consumers; and

3 (C) to be included, as practicable, directly
4 on a battery-operated or assisted consumer
5 product in a manner that is visible to the con-
6 sumer upon installation or replacement of the
7 button cell battery.

8 (b) Warning labels required under subsection (a)
9 shall—

10 (1) clearly identify the hazard of ingestion; and

11 (2) instruct consumers, as practicable, to keep
12 new and used batteries out of the reach of children
13 and to seek immediate medical attention if a battery
14 is ingested.

15 (c)(1) The standards required by subsection (a) shall
16 be promulgated in accordance with section 553 of title 5,
17 United States Code.

18 (2) The requirements of subsections (a) through (f)
19 and (g)(1) of section 9 of the Consumer Product Safety
20 Act (15 U.S.C. 2058) shall not apply to the promulgation
21 of the standards required by subsection (a) of this section.

22 (d) Each final consumer product safety standard re-
23 quired by subsection (a) shall apply to battery-operated
24 or assisted consumer products manufactured on or after

1 the date that is 1 year after the date on which the Com-
2 mission promulgates the standard.

3 SEC. 504. Not later than 1 year after the date of
4 the enactment of this Act, the Comptroller General of the
5 United States shall conduct an analysis of the potential
6 safety risks associated with new and emerging consumer
7 products, including chemicals and other materials used in
8 their manufacture, taking into account the ability and au-
9 thority of the Consumer Product Safety Commission—

10 (1) to identify, assess, and address such risks
11 in a timely manner; and

12 (2) to keep abreast of the effects of new and
13 emerging consumer products on public health and
14 safety.

15 SEC. 505. Not later than 150 days after the date of
16 the enactment of this Act, the Comptroller General of the
17 United States shall conduct an analysis of—

18 (1) the extent to which manufacturers comply
19 with voluntary industry standards for consumer
20 products, particularly with respect to inexpensive,
21 imported products;

22 (2) whether there are consequences for such
23 manufacturers for failing to comply with such stand-
24 ards;

1 (3) whether the Consumer Product Safety Com-
2 mission has the authority and the ability to require
3 compliance with such standards; and

4 (4) whether there are patterns of non-compli-
5 ance with such standards among certain types of
6 products or certain types of manufacturers.

7 SEC. 505. Not later than 540 days after the date of
8 the enactment of this Act, the Consumer Product Safety
9 Commission shall—

10 (1) in consultation with representatives of con-
11 sumer groups, window blind manufacturers, and
12 independent engineers and experts, examine and as-
13 sess the effectiveness of the ANSI/WCMA A100.1–
14 2010 safety standard, as in effect on the day before
15 the date of the enactment of this Act; and

16 (2) if the Commission determines that a more
17 stringent standard for window coverings, or revised
18 version of the standard described in paragraph (1),
19 would eliminate the strangulation risk posed by
20 corded window coverings, promulgate, in accordance
21 with section 553 of title 5, United States Code, a
22 window covering safety standard that is more strin-
23 gent than the standard described in paragraph (1).

135

1 ELECTION ASSISTANCE COMMISSION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out the Help Amer-
5 ica Vote Act of 2002 (Public Law 107–252), \$14,750,000,
6 of which \$3,250,000 shall be transferred to the National
7 Institute of Standards and Technology for election reform
8 activities authorized under the Help America Vote Act of
9 2002.

10 FEDERAL COMMUNICATIONS COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Communica-
13 tions Commission, as authorized by law, including uni-
14 forms and allowances therefor, as authorized by 5 U.S.C.
15 5901–5902; not to exceed \$4,000 for official reception and
16 representation expenses; purchase and hire of motor vehi-
17 cles; special counsel fees; and services as authorized by
18 5 U.S.C. 3109, \$354,181,000: *Provided*, That
19 \$354,181,000 of offsetting collections shall be assessed
20 and collected pursuant to section 9 of title I of the Com-
21 munications Act of 1934, shall be retained and used for
22 necessary expenses in this appropriation, and shall remain
23 available until expended: *Provided further*, That the sum
24 herein appropriated shall be reduced as such offsetting
25 collections are received during fiscal year 2012 so as to

1 result in a final fiscal year 2012 appropriation estimated
2 at \$0: *Provided further*, That any offsetting collections re-
3 ceived in excess of \$354,181,000 in fiscal year 2012 shall
4 not be available for obligation: *Provided further*, That re-
5 maining offsetting collections from prior years collected in
6 excess of the amount specified for collection in each such
7 year and otherwise becoming available on October 1, 2011,
8 shall not be available for obligation: *Provided further*, That
9 notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from
10 the use of a competitive bidding system that may be re-
11 tained and made available for obligation shall not exceed
12 \$85,000,000 for fiscal year 2012: *Provided further*, That
13 of the amount appropriated under this heading, not less
14 than \$11,721,000 shall be for the salaries and expenses
15 of the Office of Inspector General.

16 ADMINISTRATIVE PROVISIONS—FEDERAL

17 COMMUNICATIONS COMMISSION

18 SEC. 510. Section 302 of the Universal Service
19 Antideficiency Temporary Suspension Act is amended by
20 striking “December 31, 2011”, each place it appears and
21 inserting “December 31, 2013”.

22 SEC. 511. None of the funds appropriated by this Act
23 may be used by the Federal Communications Commission
24 to modify, amend, or change its rules or regulations for
25 universal service support payments to implement the Feb-

1 ruary 27, 2004 recommendations of the Federal-State
2 Joint Board on Universal Service regarding single connec-
3 tion or primary line restrictions on universal service sup-
4 port payments.

5 FEDERAL DEPOSIT INSURANCE CORPORATION

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$45,261,000, to be derived from the
10 Deposit Insurance Fund or, only when appropriate, the
11 FSLIC Resolution Fund.

12 FEDERAL ELECTION COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses to carry out the provisions
15 of the Federal Election Campaign Act of 1971,
16 \$66,367,000, of which not to exceed \$5,000 shall be avail-
17 able for reception and representation expenses.

18 FEDERAL LABOR RELATIONS AUTHORITY

19 SALARIES AND EXPENSES

20 For necessary expenses to carry out functions of the
21 Federal Labor Relations Authority, pursuant to Reorga-
22 nization Plan Numbered 2 of 1978, and the Civil Service
23 Reform Act of 1978, including services authorized by 5
24 U.S.C. 3109, and including hire of experts and consult-
25 ants, hire of passenger motor vehicles, and rental of con-

1 ference rooms in the District of Columbia and elsewhere,
2 \$24,723,000: *Provided*, That public members of the Fed-
3 eral Service Impasses Panel may be paid travel expenses
4 and per diem in lieu of subsistence as authorized by law
5 (5 U.S.C. 5703) for persons employed intermittently in
6 the Government service, and compensation as authorized
7 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
8 31 U.S.C. 3302, funds received from fees charged to non-
9 Federal participants at labor-management relations con-
10 ferences shall be credited to and merged with this account,
11 to be available without further appropriation for the costs
12 of carrying out these conferences.

13 FEDERAL TRADE COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Trade Com-
16 mission, including uniforms or allowances therefor, as au-
17 thorized by 5 U.S.C. 5901–5902; services as authorized
18 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
19 not to exceed \$2,000 for official reception and representa-
20 tion expenses, \$311,563,000, to remain available until ex-
21 pended: *Provided*, That not to exceed \$300,000 shall be
22 available for use to contract with a person or persons for
23 collection services in accordance with the terms of 31
24 U.S.C. 3718: *Provided further*, That, notwithstanding any
25 other provision of law, not to exceed \$149,000,000 of off-

1 setting collections derived from fees collected for
2 premerger notification filings under the Hart-Scott-Ro-
3 dino Antitrust Improvements Act of 1976 (15 U.S.C.
4 18a), regardless of the year of collection, shall be retained
5 and used for necessary expenses in this appropriation:
6 *Provided further*, That, notwithstanding any other provi-
7 sion of law, not to exceed \$21,000,000 in offsetting collec-
8 tions derived from fees sufficient to implement and enforce
9 the Telemarketing Sales Rule, promulgated under the
10 Telemarketing and Consumer Fraud and Abuse Preven-
11 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
12 account, and be retained and used for necessary expenses
13 in this appropriation: *Provided further*, That the sum here-
14 in appropriated from the general fund shall be reduced
15 as such offsetting collections are received during fiscal
16 year 2012, so as to result in a final fiscal year 2012 appro-
17 priation from the general fund estimated at not more than
18 \$141,563,000: *Provided further*, That none of the funds
19 made available to the Federal Trade Commission may be
20 used to implement subsection (e)(2)(B) of section 43 of
21 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 Amounts in the Fund, including revenues and collec-
6 tions deposited into the Fund shall be available for nec-
7 essary expenses of real property management and related
8 activities not otherwise provided for, including operation,
9 maintenance, and protection of federally owned and leased
10 buildings; rental of buildings in the District of Columbia;
11 restoration of leased premises; moving governmental agen-
12 cies (including space adjustments and telecommunications
13 relocation expenses) in connection with the assignment, al-
14 location and transfer of space; contractual services inci-
15 dent to cleaning or servicing buildings, and moving; repair
16 and alteration of federally owned buildings including
17 grounds, approaches and appurtenances; care and safe-
18 guarding of sites; maintenance, preservation, demolition,
19 and equipment; acquisition of buildings and sites by pur-
20 chase, condemnation, or as otherwise authorized by law;
21 acquisition of options to purchase buildings and sites; con-
22 version and extension of federally owned buildings; pre-
23 liminary planning and design of projects by contract or
24 otherwise; construction of new buildings (including equip-
25 ment for such buildings); and payment of principal, inter-

1 est, and any other obligations for public buildings acquired
2 by installment purchase and purchase contract; in the ag-
3 gregate amount of \$8,144,967,000, of which: (1)
4 \$65,000,000 shall remain available until expended for con-
5 struction and acquisition (including funds for sites and ex-
6 penses, and associated design and construction services):
7 *Provided*, That the General Services Administration shall
8 submit a detailed plan, by project, regarding the use of
9 funds to the Committees on Appropriations of the House
10 of Representatives and the Senate within 30 days of enact-
11 ment of this section and will provide notification to the
12 Committees within 15 days prior to any changes regarding
13 the use of these funds; (2) \$280,000,000, including
14 \$20,000,000 for a Judicial Capital Security program, to
15 remain available until expended for repairs and alter-
16 ations, which includes associated design and construction
17 services: *Provided further*, That funds made available in
18 this or any previous Act in the Federal Buildings Fund
19 for Repairs and Alterations shall, for prospectus projects,
20 be limited to the amount identified for each project, except
21 each project in this or any previous Act may be increased
22 by an amount not to exceed 10 percent unless advance
23 approval is obtained from the Committees on Appropria-
24 tions of a greater amount: *Provided further*, That addi-
25 tional projects for which prospectuses have been fully ap-

1 proved may be funded under this category only if advance
2 approval is obtained from the Committees on Appropria-
3 tions: *Provided further*, That the amounts provided in this
4 or any prior Act for “Repairs and Alterations” may be
5 used to fund costs associated with implementing security
6 improvements to buildings necessary to meet the minimum
7 standards for security in accordance with current law and
8 in compliance with the reprogramming guidelines of the
9 appropriate Committees of the House and Senate: *Pro-*
10 *vided further*, That the difference between the funds ap-
11 propriated and expended on any projects in this or any
12 prior Act, under the heading “Repairs and Alterations”,
13 may be transferred to Basic Repairs and Alterations or
14 used to fund authorized increases in prospectus projects:
15 *Provided further*, That all funds for repairs and alterations
16 prospectus projects shall expire on September 30, 2013
17 and remain in the Federal Buildings Fund except funds
18 for projects as to which funds for design or other funds
19 have been obligated in whole or in part prior to such date:
20 *Provided further*, That the amount provided in this or any
21 prior Act for Basic Repairs and Alterations may be used
22 to pay claims against the Government arising from any
23 projects under the heading “Repairs and Alterations” or
24 used to fund authorized increases in prospectus projects;
25 (3) \$126,801,000 for installment acquisition payments in-

1 cluding payments on purchase contracts which shall re-
2 main available until expended; (4) \$5,285,198,000 for
3 rental of space which shall remain available until ex-
4 pended; and (5) \$2,387,968,000 for building operations
5 which shall remain available until expended: *Provided fur-*
6 *ther*, That funds available to the General Services Admin-
7 istration shall not be available for expenses of any con-
8 struction, repair, alteration and acquisition project for
9 which a prospectus, if required by 40 U.S.C. 3307(a), has
10 not been approved, except that necessary funds may be
11 expended for each project for required expenses for the
12 development of a proposed prospectus: *Provided further*,
13 That funds available in the Federal Buildings Fund may
14 be expended for emergency repairs when advance approval
15 is obtained from the Committees on Appropriations: *Pro-*
16 *vided further*, That amounts necessary to provide reim-
17 bursable special services to other agencies under 40 U.S.C.
18 592(b)(2) and amounts to provide such reimbursable fenc-
19 ing, lighting, guard booths, and other facilities on private
20 or other property not in Government ownership or control
21 as may be appropriate to enable the United States Secret
22 Service to perform its protective functions pursuant to 18
23 U.S.C. 3056, shall be available from such revenues and
24 collections: *Provided further*, That revenues and collections
25 and any other sums accruing to this Fund during fiscal

1 and not to exceed \$7,500 for official reception and rep-
2 resentation expenses; \$70,000,000.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General and service authorized by 5 U.S.C. 3109,
6 \$58,000,000: *Provided*, That not to exceed \$15,000 shall
7 be available for payment for information and detection of
8 fraud against the Government, including payment for re-
9 covery of stolen Government property: *Provided further*,
10 That not to exceed \$2,500 shall be available for awards
11 to employees of other Federal agencies and private citizens
12 in recognition of efforts and initiatives resulting in en-
13 hanced Office of Inspector General effectiveness.

14 INFORMATION AND ENGAGEMENT FOR CITIZENS

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Office of Citizen Serv-
17 ices and Innovative Technologies, including services au-
18 thorized by 5 U.S.C. 3109, and for the necessary expenses
19 in support of interagency projects that enable the Federal
20 Government to conduct activities electronically, through
21 the development and implementation of innovative uses of
22 information technology, \$39,084,000 to be deposited to
23 the Federal Citizen Services Fund and that these funds
24 may be transferred to Federal agencies to carry out the
25 purpose of the fund and this transfer authority shall be

1 in addition to any other transfer authority provided in the
2 Act: *Provided*, That the appropriations, revenues,
3 reimburseables, and collections deposited into the Federal
4 Citizen Services Fund shall only be available for necessary
5 expenses of Federal Citizen Services and other informa-
6 tion activities in the aggregate amount not to exceed
7 \$90,000,000: *Provided further*, That revenues and collec-
8 tions accruing to the Fund during fiscal year 2012 in ex-
9 cess of such amount shall remain available in the Fund
10 without regard to fiscal year and shall not be available
11 for expenditure except as authorized in appropriations
12 acts.

13 ALLOWANCES AND OFFICE STAFF FOR FORMER

14 PRESIDENTS

15 For carrying out the provisions of the Act of August
16 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138,
17 \$3,671,000.

18 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

19 ADMINISTRATION

20 (INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

21 SEC. 520. Funds available to the General Services
22 Administration shall be available for the hire of passenger
23 motor vehicles.

24 SEC. 521. Funds in the Federal Buildings Fund
25 made available for fiscal year 2012 for Federal Buildings

1 Fund activities may be transferred between such activities
2 only to the extent necessary to meet program require-
3 ments: *Provided*, That any proposed transfers shall be ap-
4 proved in advance by the Committees on Appropriations
5 of the House of Representatives and the Senate.

6 SEC. 522. Except as otherwise provided in this title,
7 funds made available by this Act shall be used to transmit
8 a fiscal year 2013 request for United States Courthouse
9 construction only if the request: (1) meets the design guide
10 standards for construction as established and approved by
11 the General Services Administration, the Judicial Con-
12 ference of the United States, and the Office of Manage-
13 ment and Budget; (2) reflects the priorities of the Judicial
14 Conference of the United States as set out in its approved
15 5-year construction plan; and (3) includes a standardized
16 courtroom utilization study of each facility to be con-
17 structed, replaced, or expanded.

18 SEC. 523. None of the funds provided in this Act may
19 be used to increase the amount of occupiable square feet,
20 provide cleaning services, security enhancements, or any
21 other service usually provided through the Federal Build-
22 ings Fund, to any agency that does not pay the rate per
23 square foot assessment for space and services as deter-
24 mined by the General Services Administration in compli-

1 ance with the Public Buildings Amendments Act of 1972
2 (Public Law 92–313).

3 SEC. 524. From funds made available under the
4 heading “Federal Buildings Fund, Limitations on Avail-
5 ability of Revenue”, claims against the Government of less
6 than \$250,000 arising from direct construction projects
7 and acquisition of buildings may be liquidated from sav-
8 ings effected in other construction projects with prior noti-
9 fication to the Committees on Appropriations of the House
10 of Representatives and the Senate.

11 SEC. 525. In any case in which the Committee on
12 Transportation and Infrastructure of the House of Rep-
13 resentatives and the Committee on Environment and Pub-
14 lic Works of the Senate adopt a resolution granting lease
15 authority pursuant to a prospectus transmitted to Con-
16 gress by the Administrator of the General Services Admin-
17 istration under 40 U.S.C. 3307, the Administrator shall
18 ensure that the delineated area of procurement is identical
19 to the delineated area included in the prospectus for all
20 lease agreements, except that, if the Administrator deter-
21 mines that the delineated area of the procurement should
22 not be identical to the delineated area included in the pro-
23 spectus, the Administrator shall provide an explanatory
24 statement to each of such committees and the Committees
25 on Appropriations of the House of Representatives and the

1 Senate prior to exercising any lease authority provided in
2 the resolution.

3 SEC. 526. Section 1703 of title 41 U.S.C. is amended
4 in paragraph (i)(6) by:

5 (1) deleting “for training”; and

6 (2) deleting “paragraph (2)” and inserting in
7 lieu thereof “subparagraphs (A) and (C) to (J) of
8 section 1122(a)(5) of this title”.

9 SEC. 527. (a) The Administrator of General Services
10 (Administrator), through a deed of release or other appro-
11 priate instrument, may release to the city of Tracy, Cali-
12 fornia (the City) the reversionary interests retained by the
13 United States, and all other terms, conditions, reserva-
14 tions, and restrictions imposed, in connection with the con-
15 veyance of the 200 acres conveyed pursuant to Public Law
16 105–277 section 140, as amended by Public Law 106–
17 31 section 3034 and Public Law 108–199 section 411.
18 The exact acreage and legal description of the parcel to
19 be released under subsection (a) shall be determined by
20 a survey that is satisfactory to the Administrator.

21 (b) As consideration for such release authorized
22 under subsection (a), the City shall pay to the Adminis-
23 trator an amount not less than the property’s appraised
24 Fair Market Value as determined by the Administrator.
25 The determination of the Administrator is final. The Ad-

1 ministrator shall determine the property's Fair Market
2 Value through an appraisal conducted by a licensed, inde-
3 pendent appraiser. The appraisal shall be based on the
4 property's highest and best use.

5 (c) As soon as practicable, but not more than 180
6 days after enactment of this Act, the City shall enter into
7 a binding agreement with the Administrator for the con-
8 veyance described in subsection (a) of this section. The
9 net proceeds from sale shall be deposited into the Federal
10 Buildings Fund established under section 592 of title 40
11 of the United States Code.

12 (d) The City shall be responsible for reimbursing the
13 Administrator for the costs associated with implementing
14 this section, including the costs of appraisal and survey.
15 The Administrator may require such additional terms and
16 conditions in connection with the release under subsection
17 (a) as the Administrator considers appropriate to protect
18 the interests of the United States.

19 SEC. 528. Of the amounts made available under the
20 heading "Policy and Operations" for the maintenance,
21 protection, and disposal of the U.S. Coast Guard Service
22 Center at Governor's Island, New York and the Lorton
23 Correctional Facility in Lorton, Virginia in prior years
24 whether appropriated directly to the General Services Ad-
25 ministration (GSA) or to any other agency of the Govern-

1 ment and received by GSA for such purpose, \$4,600,000
2 are rescinded.

3 SEC. 529. Within 120 days of enactment, the General
4 Services Administration shall submit a detailed report to
5 the Committees on Appropriations of the House of Rep-
6 resentatives and the Senate that describes each program,
7 project, or activity that is funded by appropriations to
8 General Services Administration but is not under the con-
9 trol or direction, in statute or in practice, of the Adminis-
10 trator of General Services.

11 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

12 SALARIES AND EXPENSES

13 For payment to the Harry S Truman Scholarship
14 Foundation Trust Fund, established by section 10 of Pub-
15 lic Law 93-642, \$700,000, to remain available until ex-
16 pended.

17 MERIT SYSTEMS PROTECTION BOARD

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses to carry out functions of the
21 Merit Systems Protection Board pursuant to Reorganiza-
22 tion Plan Numbered 2 of 1978, the Civil Service Reform
23 Act of 1978, and the Whistleblower Protection Act of
24 1989 (5 U.S.C. 5509 note), including services as author-
25 ized by 5 U.S.C. 3109, rental of conference rooms in the

1 District of Columbia and elsewhere, hire of passenger
2 motor vehicles, direct procurement of survey printing, and
3 not to exceed \$2,000 for official reception and representa-
4 tion expenses, \$40,258,000 together with not to exceed
5 \$2,345,000 for administrative expenses to adjudicate re-
6 tirement appeals to be transferred from the Civil Service
7 Retirement and Disability Fund in amounts determined
8 by the Merit Systems Protection Board.

9 MORRIS K. UDALL AND STEWART L. UDALL

10 FOUNDATION

11 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For payment to the Morris K. Udall and Stewart L.
14 Udall Trust Fund, pursuant to the Morris K. Udall and
15 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et
16 seq.), \$2,200,000, to remain available until expended, of
17 which up to \$50,000 shall be used to conduct financial
18 audits pursuant to the Accountability of Tax Dollars Act
19 of 2002 (Public Law 107–289) notwithstanding sections
20 8 and 9 of Public Law 102–259: *Provided*, That up to
21 60 percent of such funds may be transferred by the Morris
22 K. Udall and Stewart L. Udall Foundation for the nec-
23 essary expenses of the Native Nations Institute.

1 ENVIRONMENTAL DISPUTE RESOLUTION FUND

2 For payment to the Environmental Dispute Resolu-
3 tion Fund to carry out activities authorized in the Envi-
4 ronmental Policy and Conflict Resolution Act of 1998,
5 \$3,792,000, to remain available until expended.

6 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

7 OPERATING EXPENSES

8 For necessary expenses in connection with the admin-
9 istration of the National Archives and Records Adminis-
10 tration (including the Information Security Oversight Of-
11 fice) and archived Federal records and related activities,
12 as provided by law, and for expenses necessary for the re-
13 view and declassification of documents and the activities
14 of the Public Interest Declassification Board, and for nec-
15 essary expenses in connection with the operations and
16 maintenance of the electronic records archives to include
17 all direct project costs associated with research, program
18 management, and corrective and adaptive software main-
19 tenance, and for the hire of passenger motor vehicles, and
20 for uniforms or allowances therefor, as authorized by law
21 (5 U.S.C. 5901 et seq.), including maintenance, repairs,
22 and cleaning, \$378,845,000: *Provided*, That all remaining
23 balances appropriated in prior fiscal years under the head-
24 ing “Electronic Records Archives” shall be transferred to
25 this account.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Reform Act of 2008, Public Law 110–409, 122
5 Stat. 4302–16 (2008), and the Inspector General Act of
6 1978 (5 U.S.C. App.), and for the hire of passenger motor
7 vehicles, \$4,100,000.

8 REPAIRS AND RESTORATION

9 For the repair, alteration, and improvement of ar-
10 chives facilities, and to provide adequate storage for hold-
11 ings, \$9,659,000, to remain available until expended: *Pro-*
12 *vided*, That from amounts made available for the Military
13 Personnel Records Center requirement study under this
14 heading in Public Law 108–199, the remaining unobli-
15 gated balances shall be available to implement the Na-
16 tional Archives and Records Administration Capital Im-
17 provement Plan: *Provided further*, That from amounts
18 made available under this heading in Public Law 111–8
19 for construction costs and related services for building the
20 addition to the John F. Kennedy Presidential Library and
21 Museum and other necessary expenses, including ren-
22 ovating the Library as needed in constructing the addi-
23 tion, the remaining unobligated balances shall be available
24 to implement the National Archives and Records Adminis-
25 tration Capital Improvement Plan.

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1 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

2 COMMISSION

3 GRANTS PROGRAM

4 For necessary expenses for allocations and grants for
5 historical publications and records as authorized by 44
6 U.S.C. 2504, \$5,000,000, to remain available until ex-
7 pended.

8 NATIONAL CREDIT UNION ADMINISTRATION

9 CENTRAL LIQUIDITY FACILITY

10 During fiscal year 2012, gross obligations of the Cen-
11 tral Liquidity Facility for the principal amount of new di-
12 rect loans to member credit unions, as authorized by 12
13 U.S.C. 1795 et seq., shall be the amount authorized by
14 section 307(a)(4)(A) of the Federal Credit Union Act (12
15 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative ex-
16 penses of the Central Liquidity Facility in fiscal year 2012
17 shall not exceed \$1,250,000.

18 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

19 For the Community Development Revolving Loan
20 Fund program as authorized by 42 U.S.C. 9812, 9822
21 and 9910, \$1,247,000 shall be available until September
22 30, 2013 for technical assistance to low-income designated
23 credit unions.

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1 OFFICE OF GOVERNMENT ETHICS

2 SALARIES AND EXPENSES

3 For necessary expenses to carry out functions of the
4 Office of Government Ethics pursuant to the Ethics in
5 Government Act of 1978, and the Ethics Reform Act of
6 1989, including services as authorized by 5 U.S.C. 3109,
7 rental of conference rooms in the District of Columbia and
8 elsewhere, hire of passenger motor vehicles, and not to ex-
9 ceed \$1,500 for official reception and representation ex-
10 penses, \$13,664,000.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF TRUST FUNDS)

14 For necessary expenses to carry out functions of the
15 Office of Personnel Management [OPM] pursuant to Re-
16 organization Plan Numbered 2 of 1978 and the Civil Serv-
17 ice Reform Act of 1978, including services as authorized
18 by 5 U.S.C. 3109; medical examinations performed for
19 veterans by private physicians on a fee basis; rental of con-
20 ference rooms in the District of Columbia and elsewhere;
21 hire of passenger motor vehicles; not to exceed \$2,500 for
22 official reception and representation expenses; advances
23 for reimbursements to applicable funds of OPM and the
24 Federal Bureau of Investigation for expenses incurred
25 under Executive Order No. 10422 of January 9, 1953,

1 as amended; and payment of per diem and/or subsistence
2 allowances to employees where Voting Rights Act activities
3 require an employee to remain overnight at his or her post
4 of duty, \$97,774,000, of which \$6,004,000 shall remain
5 available until expended for the Enterprise Human Re-
6 sources Integration project, of which \$642,000 may be for
7 strengthening the capacity and capabilities of the acquisi-
8 tion workforce (as defined by the Office of Federal Pro-
9 curement Policy Act, as amended (41 U.S.C. 4001 et
10 seq.)), including the recruitment, hiring, training, and re-
11 tention of such workforce and information technology in
12 support of acquisition workforce effectiveness or for man-
13 agement solutions to improve acquisition management,
14 \$1,416,000 shall remain available until expended for the
15 Human Resources Line of Business project; and in addi-
16 tion \$112,516,000 for administrative expenses, to be
17 transferred from the appropriate trust funds of OPM
18 without regard to other statutes, including direct procure-
19 ment of printed materials, for the retirement and insur-
20 ance programs: *Provided*, That the provisions of this ap-
21 propriation shall not affect the authority to use applicable
22 trust funds as provided by sections 8348(a)(1)(B), and
23 9004(f)(2)(A) of title 5, United States Code: *Provided fur-*
24 *ther*, That no part of this appropriation shall be available
25 for salaries and expenses of the Legal Examining Unit of

1 OPM established pursuant to Executive Order No. 9358
2 of July 1, 1943, or any successor unit of like purpose:
3 *Provided further*, That the President's Commission on
4 White House Fellows, established by Executive Order No.
5 11183 of October 3, 1964, may, during fiscal year 2012,
6 accept donations of money, property, and personal serv-
7 ices: *Provided further*, That such donations, including
8 those from prior years, may be used for the development
9 of publicity materials to provide information about the
10 White House Fellows, except that no such donations shall
11 be accepted for travel or reimbursement of travel expenses,
12 or for the salaries of employees of such Commission.

13 OFFICE OF INSPECTOR GENERAL

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF TRUST FUNDS)

16 For necessary expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, including services as authorized by
19 5 U.S.C. 3109, hire of passenger motor vehicles,
20 \$3,142,000, and in addition, not to exceed \$21,174,000
21 for administrative expenses to audit, investigate, and pro-
22 vide other oversight of the Office of Personnel Manage-
23 ment's retirement and insurance programs, to be trans-
24 ferred from the appropriate trust funds of the Office of
25 Personnel Management, as determined by the Inspector

1 General: *Provided*, That the Inspector General is author-
2 ized to rent conference rooms in the District of Columbia
3 and elsewhere.

4 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES
5 HEALTH BENEFITS

6 For payment of Government contributions with re-
7 spect to retired employees, as authorized by chapter 89
8 of title 5, United States Code, and the Retired Federal
9 Employees Health Benefits Act (74 Stat. 849), such sums
10 as may be necessary.

11 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
12 LIFE INSURANCE

13 For payment of Government contributions with re-
14 spect to employees retiring after December 31, 1989, as
15 required by chapter 87 of title 5, United States Code, such
16 sums as may be necessary.

17 PAYMENT TO CIVIL SERVICE RETIREMENT AND
18 DISABILITY FUND

19 For financing the unfunded liability of new and in-
20 creased annuity benefits becoming effective on or after Oc-
21 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
22 nuities under special Acts to be credited to the Civil Serv-
23 ice Retirement and Disability Fund, such sums as may
24 be necessary: *Provided*, That annuities authorized by the
25 Act of May 29, 1944, and the Act of August 19, 1950

1 (33 U.S.C. 771–775), may hereafter be paid out of the
2 Civil Service Retirement and Disability Fund.

3 OFFICE OF SPECIAL COUNSEL

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out functions of the
6 Office of Special Counsel pursuant to Reorganization Plan
7 Numbered 2 of 1978, the Civil Service Reform Act of
8 1978 (Public Law 95–454), the Whistleblower Protection
9 Act of 1989 (Public Law 101–12), Public Law 107–304,
10 and the Uniformed Services Employment and Reemploy-
11 ment Rights Act of 1994 (Public Law 103–353), including
12 services as authorized by 5 U.S.C. 3109, payment of fees
13 and expenses for witnesses, rental of conference rooms in
14 the District of Columbia and elsewhere, and hire of pas-
15 senger motor vehicles; \$18,972,000.

16 POSTAL REGULATORY COMMISSION

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Postal Regulatory
20 Commission in carrying out the provisions of the Postal
21 Accountability and Enhancement Act (Public Law 109–
22 435), \$14,304,000, to be derived by transfer from the
23 Postal Service Fund and expended as authorized by sec-
24 tion 603(a) of such Act.

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1 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the Privacy and Civil Lib-
4 erties Oversight Board, as authorized by section 1061 of
5 the Intelligence Reform and Terrorism Prevention Act of
6 2004 (5 U.S.C. 601 note), \$1,000,000, to remain available
7 until September 30, 2013.

8 RECOVERY ACCOUNTABILITY AND TRANSPARENCY

9 BOARD

10 SALARIES AND EXPENSES

11 For necessary expenses of the Recovery Account-
12 ability and Transparency Board to carry out the provi-
13 sions of title XV of the American Recovery and Reinvest-
14 ment Act of 2009 (Public Law 111–5), \$28,400,000, to
15 remain available until September 30, 2012.

16 SECURITIES AND EXCHANGE COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Securities and Ex-
19 change Commission, including services as authorized by
20 5 U.S.C. 3109, the rental of space (to include multiple
21 year leases) in the District of Columbia and elsewhere, and
22 not to exceed \$3,500 for official reception and representa-
23 tion expenses, \$1,407,483,130, to remain available until
24 expended; of which not less than \$6,795,000 shall be for
25 the Office of Inspector General; of which not to exceed

1 \$45,000 may be used toward funding a permanent secre-
2 tariat for the International Organization of Securities
3 Commissions; of which, \$483,130 shall be for strength-
4 ening the capacity and capabilities of the acquisition work-
5 force as defined by the Office of Federal Procurement Pol-
6 icy Act, as amended (41 U.S.C. 401 et seq.), including
7 the recruitment, hiring, training, and retention of such
8 workforce and information technology in support of acqui-
9 sition workforce effectiveness or for management solutions
10 to improve acquisition management; and of which not to
11 exceed \$100,000 shall be available for expenses for con-
12 sultations and meetings hosted by the Commission with
13 foreign governmental and other regulatory officials, mem-
14 bers of their delegations, appropriate representatives and
15 staff to exchange views concerning developments relating
16 to securities matters, development and implementation of
17 cooperation agreements concerning securities matters and
18 provision of technical assistance for the development of
19 foreign securities markets, such expenses to include nec-
20 essary logistic and administrative expenses and the ex-
21 penses of Commission staff and foreign invitees in attend-
22 ance at such consultations and meetings including: (1)
23 such incidental expenses as meals taken in the course of
24 such attendance; (2) any travel and transportation to or
25 from such meetings; and (3) any other related lodging or

1 subsistence; *Provided*, That fees and charges authorized
2 by section 31 of the Securities Exchange Act of 1934 (15
3 U.S.C. 78ee) shall be credited to this account as offsetting
4 collections: *Provided further*, That not to exceed
5 \$1,407,483,000 of such offsetting collections shall be
6 available until expended for necessary expenses of this ac-
7 count: *Provided further*, That the total amount appro-
8 priated under this heading from the general fund for fiscal
9 year 2012 shall be reduced as such offsetting fees are re-
10 ceived so as to result in a final total fiscal year 2012 ap-
11 propriation from the general fund estimated at not more
12 than \$0.

13 SELECTIVE SERVICE SYSTEM

14 SALARIES AND EXPENSES

15 For necessary expenses of the Selective Service Sys-
16 tem, including expenses of attendance at meetings and of
17 training for uniformed personnel assigned to the Selective
18 Service System, as authorized by 5 U.S.C. 4101–4118 for
19 civilian employees; purchase of uniforms, or allowances
20 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
21 passenger motor vehicles; services as authorized by 5
22 U.S.C. 3109; and not to exceed \$750 for official reception
23 and representation expenses; \$23,984,000: *Provided*, That
24 during the current fiscal year, the President may exempt
25 this appropriation from the provisions of 31 U.S.C. 1341,

1 whenever the President deems such action to be necessary
2 in the interest of national defense: *Provided further*, That
3 none of the funds appropriated by this Act may be ex-
4 pended for or in connection with the induction of any per-
5 son into the Armed Forces of the United States.

6 SMALL BUSINESS ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses, not otherwise provided for,
9 of the Small Business Administration as authorized by
10 Public Law 108-447, including hire of passenger motor
11 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
12 not to exceed \$3,500 for official reception and representa-
13 tion expenses, \$404,202,000: *Provided*, That the Adminis-
14 trator is authorized to charge fees to cover the cost of pub-
15 lications developed by the Small Business Administration,
16 and certain loan program activities, including fees author-
17 ized by section 5(b) of the Small Business Act: *Provided*
18 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
19 received from all such activities shall be credited to this
20 account, to remain available until expended, for carrying
21 out these purposes without further appropriations: *Pro-*
22 *vided further*, That the Small Business Administration
23 may accept gifts in an amount not to exceed \$4,000,000
24 and may co-sponsor activities, each in accordance with sec-
25 tion 132(a) of division K of Public Law 108-447, during

1 fiscal year 2012: *Provided further*, That \$112,774,000
2 shall be available to fund grants for performance in fiscal
3 year 2012 or fiscal year 2013 as authorized by section
4 21 of the Small Business Act, of which \$1,000,000 shall
5 be for the Veterans Assistance and Services Program au-
6 thorized by section 21(n) of the Small Business Act, as
7 added by section 107 of Public Law 110–186, and of
8 which \$1,000,000 shall be for the Small Business Energy
9 Efficiency Program authorized by section 1203(c) of Pub-
10 lic Law 110–140: *Provided further*, That \$21,956,000
11 shall remain available until September 30, 2013 for mar-
12 keting, management, and technical assistance under sec-
13 tion 7(m) of the Small Business Act (15 U.S.C.
14 636(m)(4)) by intermediaries that make microloans under
15 the microloan program: *Provided further*, That during fis-
16 cal year 2012, the applicable percentage under section
17 7(m)(4)(A) of the Small Business Act shall be 50 percent:
18 *Provided further*, That \$7,100,000 shall be available for
19 the Loan Modernization and Accounting System, to be
20 available until September 30, 2013: *Provided further*, That
21 \$2,000,000 shall be for the Federal and State Technology
22 Partnership Program under section 34 of the Small Busi-
23 ness Act (15 U.S.C. 657d).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$16,267,400.

5 OFFICE OF ADVOCACY

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of the Office of Advocacy in
8 carrying out the provisions of title II of Public Law 94–
9 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
10 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to
11 remain available until expended.

12 BUSINESS LOANS PROGRAM ACCOUNT

13 (INCLUDING TRANSFER OF FUNDS)

14 For the cost of direct loans, \$3,678,000, to remain
15 available until expended, and for the cost of guaranteed
16 loans as authorized by section 7(a) of the Small Business
17 Act and section 503 of the Small Business Investment Act
18 of 1958, \$206,862,000, to remain available until ex-
19 pended: *Provided*, That such costs, including the cost of
20 modifying such loans, shall be as defined in section 502
21 of the Congressional Budget Act of 1974: *Provided fur-*
22 *ther*, That subject to section 502 of the Congressional
23 Budget Act of 1974, during fiscal year 2012 commitments
24 to guarantee loans under section 503 of the Small Busi-
25 ness Investment Act of 1958 shall not exceed

1 \$7,500,000,000: *Provided further*, That during fiscal year
2 2012 commitments for general business loans authorized
3 under section 7(a) of the Small Business Act shall not
4 exceed \$17,500,000,000 for a combination of amortizing
5 term loans and the aggregated maximum line of credit
6 provided by revolving loans: *Provided further*, That during
7 fiscal year 2012 commitments to guarantee loans for de-
8 bentures under section 303(b) of the Small Business In-
9 vestment Act of 1958, shall not exceed \$3,000,000,000:
10 *Provided further*, That during fiscal year 2012, guarantees
11 of trust certificates authorized by section 5(g) of the Small
12 Business Act shall not exceed a principal amount of
13 \$12,000,000,000. In addition, for administrative expenses
14 to carry out the direct and guaranteed loan programs,
15 \$147,958,000, which may be transferred to and merged
16 with the appropriations for Salaries and Expenses.

17 DISASTER LOAN PROGRAM ACCOUNT

18 For an additional amount for the “Disaster Loans
19 Program Account” for the administrative costs of direct
20 loans authorized by section 7(b) of the Small Business Act
21 and resulting from a major disaster designation pursuant
22 to the Robert T. Stafford Disaster Relief and Emergency
23 Assistance Act (42 U.S.C. 5122(2)), \$167,300,000, to re-
24 main available until expended, of which \$1,000,000 is for
25 the Office of Inspector General of the Small Business Ad-

1 ministration for audits and reviews of disaster loans and
2 the disaster loan programs and shall be transferred to and
3 merged with the appropriations for the Office of Inspector
4 General; of which \$157,300,000 is for direct administra-
5 tive expense of loan making and servicing to carry out the
6 direct loan program, which may be transferred to and
7 merged with the appropriations for Salaries and Expenses;
8 of which \$9,000,000 is for indirect administrative ex-
9 penses for the direct loan program, which may be trans-
10 ferred to and merged with the appropriations for Salaries
11 and Expenses: *Provided*, That such amount is designated
12 by Congress as being for disaster relief pursuant to section
13 251(b)(2)(D) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985 (Public Law 99–177), as
15 amended.

16 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

17 ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 530. Not to exceed 5 percent of any appropria-
20 tion made available for the current fiscal year for the
21 Small Business Administration in this Act may be trans-
22 ferred between such appropriations, but no such appro-
23 priation shall be increased by more than 10 percent by
24 any such transfers: *Provided*, That any transfer pursuant
25 to this paragraph shall be treated as a reprogramming of

1 funds under section 608 of this Act and shall not be avail-
2 able for obligation or expenditure except in compliance
3 with the procedures set forth in that section.

4 UNITED STATES POSTAL SERVICE

5 PAYMENT TO THE POSTAL SERVICE FUND

6 For payment to the Postal Service Fund for revenue
7 forgone on free and reduced rate mail, pursuant to sub-
8 sections (c) and (d) of section 2401 of title 39, United
9 States Code, \$78,153,000, which shall not be available for
10 obligation until October 1, 2012: *Provided*, That mail for
11 overseas voting and mail for the blind shall continue to
12 be free: *Provided further*, That 6-day delivery and rural
13 delivery of mail shall continue at not less than the 1983
14 level: *Provided further*, That none of the funds made avail-
15 able to the Postal Service by this Act shall be used to im-
16 plement any rule, regulation, or policy of charging any of-
17 ficer or employee of any State or local child support en-
18 forcement agency, or any individual participating in a
19 State or local program of child support enforcement, a fee
20 for information requested or provided concerning an ad-
21 dress of a postal customer: *Provided further*, That none
22 of the funds provided in this Act shall be used to consoli-
23 date or close small rural and other small post offices in
24 fiscal year 2012.

170

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$241,468,000, to be derived by
7 transfer from the Postal Service Fund and expended as
8 authorized by section 603(b)(3) of the Postal Account-
9 ability and Enhancement Act (Public Law 109–435).

10 UNITED STATES TAX COURT

11 SALARIES AND EXPENSES

12 For necessary expenses, including contract reporting
13 and other services as authorized by 5 U.S.C. 3109,
14 \$51,469,000: *Provided*, That travel expenses of the judges
15 shall be paid upon the written certificate of the judge.

16 TITLE VI

17 GENERAL PROVISIONS—THIS ACT

18 SEC. 601. None of the funds in this Act shall be used
19 for the planning or execution of any program to pay the
20 expenses of, or otherwise compensate, non-Federal parties
21 intervening in regulatory or adjudicatory proceedings
22 funded in this Act.

23 SEC. 602. None of the funds appropriated in this Act
24 shall remain available for obligation beyond the current

1 fiscal year, nor may any be transferred to other appropria-
2 tions, unless expressly so provided herein.

3 SEC. 603. The expenditure of any appropriation
4 under this Act for any consulting service through procure-
5 ment contract pursuant to 5 U.S.C. 3109, shall be limited
6 to those contracts where such expenditures are a matter
7 of public record and available for public inspection, except
8 where otherwise provided under existing law, or under ex-
9 isting Executive order issued pursuant to existing law.

10 SEC. 604. None of the funds made available in this
11 Act may be transferred to any department, agency, or in-
12 strumentality of the United States Government, except
13 pursuant to a transfer made by, or transfer authority pro-
14 vided in, this Act or any other appropriations Act.

15 SEC. 605. None of the funds made available by this
16 Act shall be available for any activity or for paying the
17 salary of any Government employee where funding an ac-
18 tivity or paying a salary to a Government employee would
19 result in a decision, determination, rule, regulation, or pol-
20 icy that would prohibit the enforcement of section 307 of
21 the Tariff Act of 1930 (19 U.S.C. 1307).

22 SEC. 606. No funds appropriated pursuant to this
23 Act may be expended by an entity unless the entity agrees
24 that in expending the assistance the entity will comply
25 with the Buy American Act (41 U.S.C. 10a–10c).

1 SEC. 607. No funds appropriated or otherwise made
2 available under this Act shall be made available to any
3 person or entity that has been convicted of violating the
4 Buy American Act (41 U.S.C. 10a–10e).

5 SEC. 608. Except as otherwise provided in this Act,
6 none of the funds provided in this Act, provided by pre-
7 vious appropriations Acts to the agencies or entities fund-
8 ed in this Act that remain available for obligation or ex-
9 penditure in fiscal year 2012, or provided from any ac-
10 counts in the Treasury derived by the collection of fees
11 and available to the agencies funded by this Act, shall be
12 available for obligation or expenditure through a re-
13 programming of funds that:

14 (1) creates a new program;

15 (2) eliminates a program, project, or activity;

16 (3) increases funds or personnel for any pro-
17 gram, project, or activity for which funds have been
18 denied or restricted by the Congress;

19 (4) proposes to use funds directed for a specific
20 activity by the Committee on Appropriations of ei-
21 ther the House of Representatives or the Senate for
22 a different purpose;

23 (5) augments existing programs, projects, or ac-
24 tivities in excess of \$5,000,000 or 10 percent, which-
25 ever is less;

1 (6) reduces existing programs, projects, or ac-
2 tivities by \$5,000,000 or 10 percent, whichever is
3 less; or

4 (7) creates or reorganizes offices, programs, or
5 activities unless prior approval is received from the
6 Committees on Appropriations of the House of Rep-
7 resentatives and the Senate: *Provided*, That prior to
8 any significant reorganization or restructuring of of-
9 fices, programs, or activities, each agency or entity
10 funded in this Act shall consult with the Committees
11 on Appropriations of the House of Representatives
12 and the Senate: *Provided further*, That not later
13 than 60 days after the date of enactment of this
14 Act, each agency funded by this Act shall submit a
15 report to the Committees on Appropriations of the
16 House of Representatives and the Senate to estab-
17 lish the baseline for application of reprogramming
18 and transfer authorities for the current fiscal year:
19 *Provided further*, That at a minimum, the report
20 shall include:

21 (A) a table for each appropriation with a
22 separate column to display the President's
23 budget request, adjustments made by Congress,
24 adjustments due to enacted rescissions, if ap-
25 propriate, and the fiscal year enacted level;

1 (B) a delineation in the table for each ap-
2 propriation both by object class and program,
3 project, and activity as detailed in the budget
4 appendix for the respective appropriation; and

5 (C) an identification of items of special
6 congressional interest: *Provided further*, That
7 the amount appropriated or limited for salaries
8 and expenses for an agency shall be reduced by
9 \$100,000 per day for each day after the re-
10 quired date that the report has not been sub-
11 mitted to the Congress.

12 SEC. 609. Except as otherwise specifically provided
13 by law, not to exceed 50 percent of unobligated balances
14 remaining available at the end of fiscal year 2012 from
15 appropriations made available for salaries and expenses
16 for fiscal year 2012 in this Act, shall remain available
17 through September 30, 2013, for each such account for
18 the purposes authorized: *Provided*, That a request shall
19 be submitted to the Committees on Appropriations of the
20 House of Representatives and the Senate for approval
21 prior to the expenditure of such funds: *Provided further*,
22 That these requests shall be made in compliance with re-
23 programming guidelines.

24 SEC. 610. None of the funds made available in this
25 Act may be used by the Executive Office of the President

1 to request from the Federal Bureau of Investigation any
2 official background investigation report on any individual,
3 except when—

4 (1) such individual has given his or her express
5 written consent for such request not more than 6
6 months prior to the date of such request and during
7 the same presidential administration; or

8 (2) such request is required due to extraor-
9 dinary circumstances involving national security.

10 SEC. 611. The cost accounting standards promul-
11 gated under chapter 15 of title 41, United States Code
12 shall not apply with respect to a contract under the Fed-
13 eral Employees Health Benefits Program established
14 under chapter 89 of title 5, United States Code.

15 SEC. 612. For the purpose of resolving litigation and
16 implementing any settlement agreements regarding the
17 nonforeign area cost-of-living allowance program, the Of-
18 fice of Personnel Management may accept and utilize
19 (without regard to any restriction on unanticipated travel
20 expenses imposed in an Appropriations Act) funds made
21 available to the Office of Personnel Management pursuant
22 to court approval.

23 SEC. 613. In order to promote Government access to
24 commercial information technology, the restriction on pur-
25 chasing nondomestic articles, materials, and supplies set

1 forth in chapter 83 of title 41, United States Code (popu-
2 larly known as the Buy American Act), shall not apply
3 to the acquisition by the Federal Government of informa-
4 tion technology (as defined in section 11101 of title 40,
5 United States Code), that is a commercial item (as defined
6 in section 103 of title 41, United States Code).

7 SEC. 614. Notwithstanding section 1353 of title 31,
8 United States Code, no officer or employee of any regu-
9 latory agency or commission funded by this Act may ac-
10 cept on behalf of that agency, nor may such agency or
11 commission accept, payment or reimbursement from a
12 non-Federal entity for travel, subsistence, or related ex-
13 penses for the purpose of enabling an officer or employee
14 to attend and participate in any meeting or similar func-
15 tion relating to the official duties of the officer or em-
16 ployee when the entity offering payment or reimbursement
17 is a person or entity subject to regulation by such agency
18 or commission, or represents a person or entity subject
19 to regulation by such agency or commission, unless the
20 person or entity is an organization described in section
21 501(c)(3) of the Internal Revenue Code of 1986 and ex-
22 empt from tax under section 501(a) of such Code.

23 SEC. 615. The Public Company Accounting Oversight
24 Board shall have authority to obligate funds for the schol-
25 arship program established by section 109(c)(2) of the

1 Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an
2 aggregate amount not exceeding the amount of funds col-
3 lected by the Board as of December 31, 2011, including
4 accrued interest, as a result of the assessment of monetary
5 penalties. Funds available for obligation in fiscal year
6 2012 shall remain available until expended.

7 SEC. 616. From the unobligated balances of prior
8 year appropriations made available for the Privacy and
9 Civil Liberties Oversight Board, \$998,000 are rescinded.

10 SEC. 617. Notwithstanding section 708 of this Act,
11 funds made available to the Commodity Futures Trading
12 Commission and the Securities and Exchange Commission
13 by this or any other Act may be used for the interagency
14 funding and sponsorship of a joint advisory committee to
15 advise on emerging regulatory issues.

16 SEC. 618. Section 1107 of title 31, United States
17 Code, is amended by adding to the end thereof the fol-
18 lowing: “The President shall transmit promptly to Con-
19 gress without change, proposed deficiency and supple-
20 mental appropriations submitted to the President by the
21 legislative branch and the judicial branch.”.

22 SEC. 619. Section 7 of the Abraham Lincoln Com-
23 memorative Coin Act (31 U.S.C. § 5112 note) is amended
24 in subsection (b) by striking “Abraham Lincoln Bicen-
25 nial Commission to further the work of the Commission”

1 and inserting “Abraham Lincoln Bicentennial Foundation
2 for the purposes of commemorating the bicentennial of the
3 birth of Abraham Lincoln, and fostering and promoting
4 the awareness and study of the life of Abraham Lincoln”
5 and in subsection (c) by striking “Abraham Lincoln Bicen-
6 tennial Commission” and inserting “Abraham Lincoln Bi-
7 centennial Foundation”.

8 SEC. 620. During fiscal year 2012, for purposes of
9 section 908(b)(1) of the Trade Sanctions Reform and Ex-
10 port Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)),
11 the term “payment of cash in advance” shall be inter-
12 preted as payment before the transfer of title to, and con-
13 trol of, the exported items to the Cuban purchaser.

14 SEC. 621. The Help America Vote Act of 2002 (Pub-
15 lic Law 107–252) is amended by:

16 (1) inserting in section 255(b)(42 U.S.C.
17 15405) “posted on the Commission’s website with a
18 notice” after “cause to have the plan”;

19 (2) inserting in section 253(d)(42 U.S.C.
20 15403) “notice of” prior to “the State plan”;

21 (3) inserting in section 254(a)(11)(42 U.S.C.
22 15404) “notice of” prior to “the change”; and

23 (4) inserting in section 254(a)(11)(C)(42
24 U.S.C. 15404) “notice of” prior to “the change”.

1 SEC. 622. Section 605 of the Departments of Com-
2 merce, Justice, and State, the Judiciary, and Related
3 Agencies Appropriations Act, 1990 (15 U.S.C. 18a note)
4 is amended—

5 (1) in subsection (b)—

6 (A) in the matter preceding paragraph (1),
7 by striking “The filing fees” and inserting
8 “Subject to subsection (c), the filing fees”;

9 (B) in paragraph (1), by striking
10 “\$45,000” and inserting “\$60,000”;

11 (C) in paragraph (2)—

12 (i) by striking “\$125,000” and insert-
13 ing “\$160,000”; and

14 (ii) by striking “and” at the end;

15 (D) in paragraph (3)—

16 (i) by striking “\$280,000” and insert-
17 ing “\$360,000”; and

18 (ii) by striking the period at the end
19 and inserting “but less than
20 \$1,000,000,000 (as so adjusted and pub-
21 lished); and”; and

22 (E) by adding at the end the following:

23 “(4) \$500,000 if the aggregate total amount
24 determined under section 7A(a)(2) of the Clayton
25 Act (15 U.S.C. 18a(a)(2)) is not less than

1 \$1,000,000,000 (as so adjusted and published).”;

2 and

3 (2) by adding at the end the following:

4 “(c) For fiscal year 2013, and each fiscal year there-
5 after, the Federal Trade Commission shall publish in the
6 Federal Register and increase the amount of each filing
7 fee under subsection (b) in the same manner and on the
8 same dates as provided under section 8(a)(5) of the Clay-
9 ton Act (15 U.S.C. 19(a)(5)) to reflect the percentage
10 change in the gross national product for the fiscal year
11 as compared to the gross national product for fiscal year
12 2011, except that the Federal Trade Commission—

13 “(1) shall round any increase in a filing fee
14 under this subsection to the nearest \$5,000;

15 “(2) shall not increase filing fees under this
16 subsection if the increase in the gross national prod-
17 uct is less than 1 percent; and

18 “(3) shall not decrease filing fees under this
19 subsection.”.

20 SEC. 623. None of the funds appropriated by this or
21 any other Act shall be available for the purpose of con-
22 veying the headquarters building of the Federal Trade
23 Commission (located at 600 Pennsylvania Avenue, North-
24 west, in the District of Columbia) to any entity unless the
25 Administrator of the General Services Administration de-

1 this or any other Act for fiscal year 2012 shall obligate
2 or expend any such funds, unless such department, agen-
3 cy, or instrumentality has in place, and will continue to
4 administer in good faith, a written policy designed to en-
5 sure that all of its workplaces are free from the illegal
6 use, possession, or distribution of controlled substances
7 (as defined in the Controlled Substances Act (21 U.S.C.
8 802)) by the officers and employees of such department,
9 agency, or instrumentality.

10 SEC. 702. Unless otherwise specifically provided, the
11 maximum amount allowable during the current fiscal year
12 in accordance with subsection 1343(c) of title 31, United
13 States Code, for the purchase of any passenger motor ve-
14 hicle (exclusive of buses, ambulances, law enforcement,
15 and undercover surveillance vehicles), is hereby fixed at
16 \$13,179 except station wagons for which the maximum
17 shall be \$13,631: *Provided*, That these limits may be ex-
18 ceeded by not to exceed \$3,700 for police-type vehicles,
19 and by not to exceed \$4,000 for special heavy-duty vehi-
20 cles: *Provided further*, That the limits set forth in this sec-
21 tion may not be exceeded by more than 5 percent for elec-
22 tric or hybrid vehicles purchased for demonstration under
23 the provisions of the Electric and Hybrid Vehicle Re-
24 search, Development, and Demonstration Act of 1976:
25 *Provided further*, That the limits set forth in this section

1 may be exceeded by the incremental cost of clean alter-
2 native fuels vehicles acquired pursuant to Public Law
3 101–549 over the cost of comparable conventionally fueled
4 vehicles: *Provided further*, That the limits set forth in this
5 section shall not apply to any vehicle that is a commercial
6 item and which operates on emerging motor vehicle tech-
7 nology, including but not limited to electric, plug-in hybrid
8 electric, and hydrogen fuel cell vehicles.

9 SEC. 703. Appropriations of the executive depart-
10 ments and independent establishments for the current fis-
11 cal year available for expenses of travel, or for the ex-
12 penses of the activity concerned, are hereby made available
13 for quarters allowances and cost-of-living allowances, in
14 accordance with 5 U.S.C. 5922–5924.

15 SEC. 704. Unless otherwise specified during the cur-
16 rent fiscal year, no part of any appropriation contained
17 in this or any other Act shall be used to pay the compensa-
18 tion of any officer or employee of the Government of the
19 United States (including any agency the majority of the
20 stock of which is owned by the Government of the United
21 States) whose post of duty is in the continental United
22 States unless such person: (1) is a citizen of the United
23 States; (2) is a person who is lawfully admitted for perma-
24 nent residence and is seeking citizenship as outlined in 8
25 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted

1 as a refugee under 8 U.S.C. 1157 or is granted asylum
2 under 8 U.S.C. 1158 and has filed a declaration of inten-
3 tion to become a lawful permanent resident and then a
4 citizen when eligible; or (4) is a person who owes alle-
5 giance to the United States: *Provided*, That for purposes
6 of this section, affidavits signed by any such person shall
7 be considered prima facie evidence that the requirements
8 of this section with respect to his or her status are being
9 complied with: *Provided further*, That for purposes of sub-
10 sections (2) and (3) such affidavits shall be submitted
11 prior to employment and updated thereafter as necessary:
12 *Provided further*, That any person making a false affidavit
13 shall be guilty of a felony, and upon conviction, shall be
14 fined no more than \$4,000 or imprisoned for not more
15 than 1 year, or both: *Provided further*, That the above
16 penal clause shall be in addition to, and not in substitution
17 for, any other provisions of existing law: *Provided further*,
18 That any payment made to any officer or employee con-
19 trary to the provisions of this section shall be recoverable
20 in action by the Federal Government: *Provided further*,
21 That this section shall not apply to any person who is an
22 officer or employee of the Government of the United
23 States on the date of enactment of this Act, or to inter-
24 national broadcasters employed by the Broadcasting
25 Board of Governors, or to temporary employment of trans-

1 lators, or to temporary employment in the field service
2 (not to exceed 60 days) as a result of emergencies: *Pro-*
3 *vided further*, That this section does not apply to the em-
4 ployment as Wildland firefighters for not more than 120
5 days of nonresident aliens employed by the Department
6 of the Interior or the USDA Forest Service pursuant to
7 an agreement with another country.

8 SEC. 705. Appropriations available to any depart-
9 ment or agency during the current fiscal year for nec-
10 essary expenses, including maintenance or operating ex-
11 penses, shall also be available for payment to the General
12 Services Administration for charges for space and services
13 and those expenses of renovation and alteration of build-
14 ings and facilities which constitute public improvements
15 performed in accordance with the Public Buildings Act of
16 1959 (73 Stat. 479), the Public Buildings Amendments
17 of 1972 (86 Stat. 216), or other applicable law.

18 SEC. 706. In addition to funds provided in this or
19 any other Act, all Federal agencies are authorized to re-
20 ceive and use funds resulting from the sale of materials,
21 including Federal records disposed of pursuant to a
22 records schedule recovered through recycling or waste pre-
23 vention programs. Such funds shall be available until ex-
24 pended for the following purposes:

1 (1) Acquisition, waste reduction and prevention,
2 and recycling programs as described in Executive
3 Order No. 13423 (January 24, 2007), including any
4 such programs adopted prior to the effective date of
5 the Executive order.

6 (2) Other Federal agency environmental man-
7 agement programs, including, but not limited to, the
8 development and implementation of hazardous waste
9 management and pollution prevention programs.

10 (3) Other employee programs as authorized by
11 law or as deemed appropriate by the head of the
12 Federal agency.

13 SEC. 707. Funds made available by this or any other
14 Act for administrative expenses in the current fiscal year
15 of the corporations and agencies subject to chapter 91 of
16 title 31, United States Code, shall be available, in addition
17 to objects for which such funds are otherwise available,
18 for rent in the District of Columbia; services in accordance
19 with 5 U.S.C. 3109; and the objects specified under this
20 head, all the provisions of which shall be applicable to the
21 expenditure of such funds unless otherwise specified in the
22 Act by which they are made available: *Provided*, That in
23 the event any functions budgeted as administrative ex-
24 penses are subsequently transferred to or paid from other

1 funds, the limitations on administrative expenses shall be
2 correspondingly reduced.

3 SEC. 708. No part of any appropriation contained in
4 this or any other Act shall be available for interagency
5 financing of boards (except Federal Executive Boards),
6 commissions, councils, committees, or similar groups
7 (whether or not they are interagency entities) which do
8 not have a prior and specific statutory approval to receive
9 financial support from more than one agency or instru-
10 mentality.

11 SEC. 709. None of the funds made available pursuant
12 to the provisions of this Act shall be used to implement,
13 administer, or enforce any regulation which has been dis-
14 approved pursuant to a joint resolution duly adopted in
15 accordance with the applicable law of the United States.

16 SEC. 710. (a) Notwithstanding any other provision
17 of law, and except as otherwise provided in this section,
18 no part of any of the funds appropriated for fiscal year
19 2012, by this or any other Act, may be used to pay any
20 prevailing rate employee described in section
21 5342(a)(2)(A) of title 5, United States Code—

22 (1) during the period from the date of expira-
23 tion of the limitation imposed by the comparable sec-
24 tion for previous fiscal years until the normal effec-
25 tive date of the applicable wage survey adjustment

1 that is to take effect in fiscal year 2012, in an
2 amount that exceeds the rate payable for the appli-
3 cable grade and step of the applicable wage schedule
4 in accordance with such section; and

5 (2) during the period consisting of the remain-
6 der of fiscal year 2012, in an amount that exceeds,
7 as a result of a wage survey adjustment, the rate
8 payable under paragraph (1) by more than the sum
9 of—

10 (A) the percentage adjustment taking ef-
11 fect in fiscal year 2012 under section 5303 of
12 title 5, United States Code, in the rates of pay
13 under the General Schedule; and

14 (B) the difference between the overall aver-
15 age percentage of the locality-based com-
16 parability payments taking effect in fiscal year
17 2012 under section 5304 of such title (whether
18 by adjustment or otherwise), and the overall av-
19 erage percentage of such payments which was
20 effective in the previous fiscal year under such
21 section.

22 (b) Notwithstanding any other provision of law, no
23 prevailing rate employee described in subparagraph (B) or
24 (C) of section 5342(a)(2) of title 5, United States Code,
25 and no employee covered by section 5348 of such title,

1 may be paid during the periods for which subsection (a)
2 is in effect at a rate that exceeds the rates that would
3 be payable under subsection (a) were subsection (a) appli-
4 cable to such employee.

5 (c) For the purposes of this section, the rates payable
6 to an employee who is covered by this section and who
7 is paid from a schedule not in existence on September 30,
8 2011, shall be determined under regulations prescribed by
9 the Office of Personnel Management.

10 (d) Notwithstanding any other provision of law, rates
11 of premium pay for employees subject to this section may
12 not be changed from the rates in effect on September 30,
13 2011, except to the extent determined by the Office of
14 Personnel Management to be consistent with the purpose
15 of this section.

16 (e) This section shall apply with respect to pay for
17 service performed after September 30, 2011.

18 (f) For the purpose of administering any provision
19 of law (including any rule or regulation that provides pre-
20 mium pay, retirement, life insurance, or any other em-
21 ployee benefit) that requires any deduction or contribu-
22 tion, or that imposes any requirement or limitation on the
23 basis of a rate of salary or basic pay, the rate of salary
24 or basic pay payable after the application of this section
25 shall be treated as the rate of salary or basic pay.

1 (g) Nothing in this section shall be considered to per-
2 mit or require the payment to any employee covered by
3 this section at a rate in excess of the rate that would be
4 payable were this section not in effect.

5 (h) The Office of Personnel Management may provide
6 for exceptions to the limitations imposed by this section
7 if the Office determines that such exceptions are necessary
8 to ensure the recruitment or retention of qualified employ-
9 ees.

10 SEC. 711. During the period in which the head of
11 any department or agency, or any other officer or civilian
12 employee of the Federal Government appointed by the
13 President of the United States, holds office, no funds may
14 be obligated or expended in excess of \$5,000 to furnish
15 or redecorate the office of such department head, agency
16 head, officer, or employee, or to purchase furniture or
17 make improvements for any such office, unless advance
18 notice of such furnishing or redecoration is transmitted
19 to the Committees on Appropriations of the House of Rep-
20 resentatives and the Senate. For the purposes of this sec-
21 tion, the term “office” shall include the entire suite of of-
22 fices assigned to the individual, as well as any other space
23 used primarily by the individual or the use of which is
24 directly controlled by the individual.

1 SEC. 712. Notwithstanding section 31 U.S.C. 1346,
2 or section 708 of this Act, funds made available for the
3 current fiscal year by this or any other Act shall be avail-
4 able for the interagency funding of national security and
5 emergency preparedness telecommunications initiatives
6 which benefit multiple Federal departments, agencies, or
7 entities, as provided by Executive Order No. 12472 (April
8 3, 1984).

9 SEC. 713. (a) None of the funds appropriated by this
10 or any other Act may be obligated or expended by any
11 Federal department, agency, or other instrumentality for
12 the salaries or expenses of any employee appointed to a
13 position of a confidential or policy-determining character
14 excepted from the competitive service pursuant to 5
15 U.S.C. 3302, without a certification to the Office of Per-
16 sonnel Management from the head of the Federal depart-
17 ment, agency, or other instrumentality employing the
18 Schedule C appointee that the Schedule C position was
19 not created solely or primarily in order to detail the em-
20 ployee to the White House.

21 (b) The provisions of this section shall not apply to
22 Federal employees or members of the armed forces de-
23 tailed to or from—

24 (1) the Central Intelligence Agency;

25 (2) the National Security Agency;

1 (3) the Defense Intelligence Agency;

2 (4) the National Geospatial-Intelligence Agency;

3 (5) the offices within the Department of De-
4 fense for the collection of specialized national foreign
5 intelligence through reconnaissance programs;

6 (6) the Bureau of Intelligence and Research of
7 the Department of State;

8 (7) any agency, office, or unit of the Army,
9 Navy, Air Force, and Marine Corps, the Department
10 of Homeland Security, the Federal Bureau of Inves-
11 tigation and the Drug Enforcement Administration
12 of the Department of Justice, the Department of
13 Transportation, the Department of the Treasury,
14 and the Department of Energy performing intel-
15 ligence functions; or

16 (8) the Director of National Intelligence or the
17 Office of the Director of National Intelligence.

18 SEC. 714. No part of any appropriation contained in
19 this or any other Act shall be available for the payment
20 of the salary of any officer or employee of the Federal
21 Government, who—

22 (1) prohibits or prevents, or attempts or threat-
23 ens to prohibit or prevent, any other officer or em-
24 ployee of the Federal Government from having any
25 direct oral or written communication or contact with

1 any Member, committee, or subcommittee of the
2 Congress in connection with any matter pertaining
3 to the employment of such other officer or employee
4 or pertaining to the department or agency of such
5 other officer or employee in any way, irrespective of
6 whether such communication or contact is at the ini-
7 tiative of such other officer or employee or in re-
8 sponse to the request or inquiry of such Member,
9 committee, or subcommittee; or

10 (2) removes, suspends from duty without pay,
11 demotes, reduces in rank, seniority, status, pay, or
12 performance or efficiency rating, denies promotion
13 to, relocates, reassigns, transfers, disciplines, or dis-
14 criminate in regard to any employment right, enti-
15 tlement, or benefit, or any term or condition of em-
16 ployment of, any other officer or employee of the
17 Federal Government, or attempts or threatens to
18 commit any of the foregoing actions with respect to
19 such other officer or employee, by reason of any
20 communication or contact of such other officer or
21 employee with any Member, committee, or sub-
22 committee of the Congress as described in paragraph
23 (1).

1 SEC. 715. (a) None of the funds made available in
2 this or any other Act may be obligated or expended for
3 any employee training that—

4 (1) does not meet identified needs for knowl-
5 edge, skills, and abilities bearing directly upon the
6 performance of official duties;

7 (2) contains elements likely to induce high lev-
8 els of emotional response or psychological stress in
9 some participants;

10 (3) does not require prior employee notification
11 of the content and methods to be used in the train-
12 ing and written end of course evaluation;

13 (4) contains any methods or content associated
14 with religious or quasi-religious belief systems or
15 “new age” belief systems as defined in Equal Em-
16 ployment Opportunity Commission Notice N-
17 915.022, dated September 2, 1988; or

18 (5) is offensive to, or designed to change, par-
19 ticipants, personal values or lifestyle outside the
20 workplace.

21 (b) Nothing in this section shall prohibit, restrict, or
22 otherwise preclude an agency from conducting training
23 bearing directly upon the performance of official duties.

24 SEC. 716. (a) No funds appropriated in this or any
25 other Act may be used to implement or enforce the agree-

1 ments in Standard Forms 312 and 4414 of the Govern-
2 ment or any other nondisclosure policy, form, or agree-
3 ment if such policy, form, or agreement does not contain
4 the following provisions: “These restrictions are consistent
5 with and do not supersede, conflict with, or otherwise alter
6 the employee obligations, rights, or liabilities created by
7 Executive Order No. 12958; section 7211 of title 5,
8 United States Code (governing disclosures to Congress);
9 section 1034 of title 10, United States Code, as amended
10 by the Military Whistleblower Protection Act (governing
11 disclosure to Congress by members of the military); sec-
12 tion 2302(b)(8) of title 5, United States Code, as amended
13 by the Whistleblower Protection Act of 1989 (governing
14 disclosures of illegality, waste, fraud, abuse or public
15 health or safety threats); the Intelligence Identities Pro-
16 tection Act of 1982 (50 U.S.C. 421 et seq.) (governing
17 disclosures that could expose confidential Government
18 agents); and the statutes which protect against disclosure
19 that may compromise the national security, including sec-
20 tions 641, 793, 794, 798, and 952 of title 18, United
21 States Code, and section 4(b) of the Subversive Activities
22 Control Act of 1950 (50 U.S.C. 783(b)). The definitions,
23 requirements, obligations, rights, sanctions, and liabilities
24 created by said Executive order and listed statutes are in-
25 corporated into this agreement and are controlling.”: *Pro-*

1 *vided*, That notwithstanding the preceding provision of
2 this section, a nondisclosure policy form or agreement that
3 is to be executed by a person connected with the conduct
4 of an intelligence or intelligence-related activity, other
5 than an employee or officer of the United States Govern-
6 ment, may contain provisions appropriate to the particular
7 activity for which such document is to be used. Such form
8 or agreement shall, at a minimum, require that the person
9 will not disclose any classified information received in the
10 course of such activity unless specifically authorized to do
11 so by the United States Government. Such nondisclosure
12 forms shall also make it clear that they do not bar disclo-
13 sures to Congress, or to an authorized official of an execu-
14 tive agency or the Department of Justice, that are essen-
15 tial to reporting a substantial violation of law.

16 (b) Effective 180 days after enactment of this Act,
17 subsection (a) is amended by—

18 (1) striking “Executive Order No. 12958” and
19 inserting “Executive Order No. 13526 (75 Fed. Reg.
20 707), or any successor thereto”; and

21 (2) after “the Intelligence Identities Protection
22 Act of 1982 (50 U.S.C. 421 et seq.) (governing dis-
23 closures that could expose confidential Government
24 agents);” inserting “sections 7(c) and 8H of the In-
25 spector General Act of 1978 (5 U.S.C. App.) (relat-

1 ing to disclosures to an inspector general, the inspec-
2 tors general of the Intelligence Community, and
3 Congress); section 103H(g)(3) of the National Secu-
4 rity Act of 1947 (50 U.S.C. 403–3h(g)(3) (relating
5 to disclosures to the inspector general of the Intel-
6 ligence Community); sections 17(d)(5) and 17(e)(3)
7 of the Central Intelligence Agency Act of 1949 (50
8 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to dis-
9 closures to the Inspector General of the Central In-
10 telligence Agency and Congress);”.

11 (c) A nondisclosure agreement entered into before the
12 effective date of the amendment in subsection (b) may
13 continue to be implemented and enforced after that effec-
14 tive date if it complies with the requirements of subsection
15 (a) that were in effect prior to the effective date of the
16 amendment in subsection (b).

17 SEC. 717. No part of any funds appropriated in this
18 or any other Act shall be used by an agency of the execu-
19 tive branch, other than for normal and recognized execu-
20 tive-legislative relationships, for publicity or propaganda
21 purposes, and for the preparation, distribution or use of
22 any kit, pamphlet, booklet, publication, radio, television,
23 or film presentation designed to support or defeat legisla-
24 tion pending before the Congress, except in presentation
25 to the Congress itself.

1 SEC. 718. None of the funds appropriated by this or
2 any other Act may be used by an agency to provide a Fed-
3 eral employee's home address to any labor organization
4 except when the employee has authorized such disclosure
5 or when such disclosure has been ordered by a court of
6 competent jurisdiction.

7 SEC. 719. None of the funds made available in this
8 Act or any other Act may be used to provide any non-
9 public information such as mailing or telephone lists to
10 any person or any organization outside of the Federal
11 Government without the approval of the Committees on
12 Appropriations of the House of Representatives and the
13 Senate.

14 SEC. 720. No part of any appropriation contained in
15 this or any other Act shall be used directly or indirectly,
16 including by private contractor, for publicity or propa-
17 ganda purposes within the United States not heretofore
18 authorized by the Congress.

19 SEC. 721. (a) In this section, the term "agency"—

20 (1) means an Executive agency, as defined
21 under 5 U.S.C. 105;

22 (2) includes a military department, as defined
23 under section 102 of such title, the Postal Service,
24 and the Postal Regulatory Commission; and

1 (3) shall not include the Government Account-
2 ability Office.

3 (b) Unless authorized in accordance with law or regu-
4 lations to use such time for other purposes, an employee
5 of an agency shall use official time in an honest effort
6 to perform official duties. An employee not under a leave
7 system, including a Presidential appointee exempted under
8 5 U.S.C. 6301(2), has an obligation to expend an honest
9 effort and a reasonable proportion of such employee's time
10 in the performance of official duties.

11 SEC. 722. Notwithstanding 31 U.S.C. 1346 and sec-
12 tion 708 of this Act, funds made available for the current
13 fiscal year by this or any other Act to any department
14 or agency, which is a member of the Federal Accounting
15 Standards Advisory Board (FASAB), shall be available to
16 finance an appropriate share of FASAB administrative
17 costs.

18 SEC. 723. Notwithstanding any other provision of
19 law, a woman may breastfeed her child at any location
20 in a Federal building or on Federal property, if the woman
21 and her child are otherwise authorized to be present at
22 the location.

23 SEC. 724. Notwithstanding 31 U.S.C. 1346, or sec-
24 tion 708 of this Act, funds made available for the current
25 fiscal year by this or any other Act shall be available for

1 the interagency funding of specific projects, workshops,
2 studies, and similar efforts to carry out the purposes of
3 the National Science and Technology Council (authorized
4 by Executive Order No. 12881), which benefit multiple
5 Federal departments, agencies, or entities: *Provided*, That
6 the Office of Management and Budget shall provide a re-
7 port describing the budget of and resources connected with
8 the National Science and Technology Council to the Com-
9 mittees on Appropriations, the House Committee on
10 Science and Technology, and the Senate Committee on
11 Commerce, Science, and Transportation 90 days after en-
12 actment of this Act.

13 SEC. 725. Any request for proposals, solicitation,
14 grant application, form, notification, press release, or
15 other publications involving the distribution of Federal
16 funds shall indicate the agency providing the funds, the
17 Catalog of Federal Domestic Assistance Number, as appli-
18 cable, and the amount provided: *Provided*, That this provi-
19 sion shall apply to direct payments, formula funds, and
20 grants received by a State receiving Federal funds.

21 SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY
22 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
23 the funds made available in this or any other Act may
24 be used by any Federal agency—

1 (1) to collect, review, or create any aggregation
2 of data, derived from any means, that includes any
3 personally identifiable information relating to an in-
4 dividual's access to or use of any Federal Govern-
5 ment Internet site of the agency; or

6 (2) to enter into any agreement with a third
7 party (including another government agency) to col-
8 lect, review, or obtain any aggregation of data, de-
9 rived from any means, that includes any personally
10 identifiable information relating to an individual's
11 access to or use of any nongovernmental Internet
12 site.

13 (b) EXCEPTIONS.—The limitations established in
14 subsection (a) shall not apply to—

15 (1) any record of aggregate data that does not
16 identify particular persons;

17 (2) any voluntary submission of personally iden-
18 tifiable information;

19 (3) any action taken for law enforcement, regu-
20 latory, or supervisory purposes, in accordance with
21 applicable law; or

22 (4) any action described in subsection (a)(1)
23 that is a system security action taken by the oper-
24 ator of an Internet site and is necessarily incident
25 to providing the Internet site services or to pro-

1 tecting the rights or property of the provider of the
2 Internet site.

3 (c) DEFINITIONS.—For the purposes of this section:

4 (1) The term “regulatory” means agency ac-
5 tions to implement, interpret or enforce authorities
6 provided in law.

7 (2) The term “supervisory” means examina-
8 tions of the agency’s supervised institutions, includ-
9 ing assessing safety and soundness, overall financial
10 condition, management practices and policies and
11 compliance with applicable standards as provided in
12 law.

13 SEC. 727. (a) None of the funds appropriated by this
14 Act may be used to enter into or renew a contract which
15 includes a provision providing prescription drug coverage,
16 except where the contract also includes a provision for con-
17 traceptive coverage.

18 (b) Nothing in this section shall apply to a contract
19 with—

20 (1) any of the following religious plans:

21 (A) Personal Care’s HMO; and

22 (B) OSF HealthPlans, Inc.; and

23 (2) any existing or future plan, if the carrier
24 for the plan objects to such coverage on the basis of
25 religious beliefs.

1 (c) In implementing this section, any plan that enters
2 into or renews a contract under this section may not sub-
3 ject any individual to discrimination on the basis that the
4 individual refuses to prescribe or otherwise provide for
5 contraceptives because such activities would be contrary
6 to the individual's religious beliefs or moral convictions.

7 (d) Nothing in this section shall be construed to re-
8 quire coverage of abortion or abortion-related services.

9 SEC. 728. The Congress of the United States recog-
10 nizes the United States Anti-Doping Agency (USADA) as
11 the official anti-doping agency for Olympic, Pan Amer-
12 ican, and Paralympic sport in the United States.

13 SEC. 729. Notwithstanding any other provision of
14 law, funds appropriated for official travel by Federal de-
15 partments and agencies may be used by such departments
16 and agencies, if consistent with Office of Management and
17 Budget Circular A-126 regarding official travel for Gov-
18 ernment personnel, to participate in the fractional aircraft
19 ownership pilot program.

20 SEC. 730. Notwithstanding any other provision of
21 law, none of the funds appropriated or made available
22 under this Act or any other appropriations Act may be
23 used to implement or enforce restrictions or limitations on
24 the Coast Guard Congressional Fellowship Program, or to
25 implement the proposed regulations of the Office of Per-

1 sonnel Management to add sections 300.311 through
2 300.316 to part 300 of title 5 of the Code of Federal Reg-
3 ulations, published in the Federal Register, volume 68,
4 number 174, on September 9, 2003 (relating to the detail
5 of executive branch employees to the legislative branch).

6 SEC. 731. Notwithstanding any other provision of
7 law, no executive branch agency shall purchase, construct,
8 and/or lease any additional facilities, except within or con-
9 tiguous to existing locations, to be used for the purpose
10 of conducting Federal law enforcement training without
11 the advance approval of the Committees on Appropriations
12 of the House of Representatives and the Senate, except
13 that the Federal Law Enforcement Training Center is au-
14 thorized to obtain the temporary use of additional facilities
15 by lease, contract, or other agreement for training which
16 cannot be accommodated in existing Center facilities.

17 SEC. 732. (a) For fiscal year 2012, no funds shall
18 be available for transfers or reimbursements to the e-gov-
19 ernment initiatives sponsored by the Office of Manage-
20 ment and Budget prior to 15 days following submission
21 of a report to the Committees on Appropriations of the
22 House of Representatives and the Senate by the Director
23 of the Office of Management and Budget and receipt of
24 approval to transfer funds by the Committees on Appro-
25 priations of the House of Representatives and the Senate.

1 (b) The report in subsection (a) and other required
2 justification materials shall include at a minimum—

3 (1) a description of each initiative including but
4 not limited to its objectives, benefits, development
5 status, risks, cost effectiveness (including estimated
6 net costs or savings to the government), and the es-
7 timated date of full operational capability;

8 (2) the total development cost of each initiative
9 by fiscal year including costs to date, the estimated
10 costs to complete its development to full operational
11 capability, and estimated annual operations and
12 maintenance costs; and

13 (3) the sources and distribution of funding by
14 fiscal year and by agency and bureau for each initia-
15 tive including agency contributions to date and esti-
16 mated future contributions by agency.

17 (c) No funds shall be available for obligation or ex-
18 penditure for new e-government initiatives without the ex-
19 plicit approval of the Committees on Appropriations of the
20 House of Representatives and the Senate.

21 SEC. 733. Notwithstanding section 1346 of title 31,
22 United States Code, and section 708 of this Act and any
23 other provision of law, the head of each appropriate execu-
24 tive department and agency shall transfer to or reimburse
25 the United States Fish and Wildlife Service, upon the di-

1 rection of the Director of the Office of Management and
2 Budget, funds made available by this or any other Act
3 for the purposes described below, and shall submit budget
4 requests for such purposes. These funds shall be adminis-
5 tered by the United States Fish and Wildlife Service, in
6 consultation with the appropriate interagency groups des-
7 ignated by the Director and shall be used to ensure the
8 uninterrupted, continuous operation of the Midway Atoll
9 Airfield by the United States Fish and Wildlife Service
10 pursuant to an operational agreement with the Federal
11 Aviation Administration for the entirety of fiscal year
12 2012 and any period thereafter that precedes the enact-
13 ment of the Financial Services and General Government
14 Appropriations Act, 2013. The Director of the Office of
15 Management and Budget shall mandate the necessary
16 transfers after determining an equitable allocation be-
17 tween the appropriate executive departments and agencies
18 of the responsibility for funding the continuous operation
19 of the Midway Atoll Airfield based on, but not limited to,
20 potential use, interest in maintaining aviation safety, and
21 applicability to governmental operations and agency mis-
22 sion. The total funds transferred or reimbursed shall not
23 exceed \$6,000,000 for any 12-month period. Such sums
24 shall be sufficient to ensure continued operation of the air-
25 field throughout the period cited above. Funds shall be

1 available for operation of the airfield or airfield-related
2 capital upgrades. The Director of the Office of Manage-
3 ment and Budget shall notify the Committees on Appro-
4 priations of the House of Representatives and the Senate
5 of such transfers or reimbursements within 15 days of this
6 Act. Such transfers or reimbursements shall begin within
7 30 days of enactment of this Act.

8 SEC. 734. None of the funds appropriated or other-
9 wise made available by this or any other Act may be used
10 to begin or announce a study or public-private competition
11 regarding the conversion to contractor performance of any
12 function performed by Federal employees pursuant to Of-
13 fice of Management and Budget Circular A-76 or any
14 other administrative regulation, directive, or policy.

15 SEC. 735. Unless otherwise authorized by existing
16 law, none of the funds provided in this Act or any other
17 Act may be used by an executive branch agency to produce
18 any prepackaged news story intended for broadcast or dis-
19 tribution in the United States, unless the story includes
20 a clear notification within the text or audio of the pre-
21 packaged news story that the prepackaged news story was
22 prepared or funded by that executive branch agency.

23 SEC. 736. None of the funds made available in this
24 Act may be used in contravention of section 552a of title

1 5, United States Code (popularly known as the Privacy
2 Act) and regulations implementing that section.

3 SEC. 737. Each executive department and agency
4 shall evaluate the creditworthiness of an individual before
5 issuing the individual a government travel charge card.
6 Such evaluations for individually billed travel charge cards
7 shall include an assessment of the individual's consumer
8 report from a consumer reporting agency as those terms
9 are defined in section 603 of the Fair Credit Reporting
10 Act (Public Law 91-508): *Provided*, That the department
11 or agency may not issue a government travel charge card
12 to an individual that either lacks a credit history or is
13 found to have an unsatisfactory credit history as a result
14 of this evaluation: *Provided further*, That this restriction
15 shall not preclude issuance of a restricted-use charge,
16 debit, or stored value card made in accordance with agency
17 procedures to: (1) an individual with an unsatisfactory
18 credit history where such card is used to pay travel ex-
19 penses and the agency determines there is no suitable al-
20 ternative payment mechanism available before issuing the
21 card; or (2) an individual who lacks a credit history. Each
22 executive department and agency shall establish guidelines
23 and procedures for disciplinary actions to be taken against
24 agency personnel for improper, fraudulent, or abusive use
25 of government charge cards, which shall include appro-

1 p r i a t e d i s c i p l i n a r y a c t i o n s f o r u s e o f c h a r g e c a r d s f o r p u r -
2 p o s e s , a n d a t e s t a b l i s h m e n t s , t h a t a r e i n c o n s i s t e n t w i t h
3 t h e o f f i c i a l b u s i n e s s o f t h e D e p a r t m e n t o r a g e n c y o r w i t h
4 a p p l i c a b l e s t a n d a r d s o f c o n d u c t .

5 S E C . 7 3 8 . (a) D E F I N I T I O N S . — F o r p u r p o s e s o f t h i s
6 s e c t i o n t h e f o l l o w i n g d e f i n i t i o n s a p p l y :

7 (1) G R E A T L A K E S . — T h e t e r m s “ G r e a t L a k e s ”
8 a n d “ G r e a t L a k e s S t a t e ” h a v e t h e s a m e m e a n i n g s
9 a s s u c h t e r m s h a v e i n s e c t i o n 5 0 6 o f t h e W a t e r R e -
10 s o u r c e s D e v e l o p m e n t A c t o f 2 0 0 0 (4 2 U . S . C .
11 1 9 6 2 d - 2 2) .

12 (2) G R E A T L A K E S R E S T O R A T I O N A C T I V I T I E S . —
13 T h e t e r m “ G r e a t L a k e s r e s t o r a t i o n a c t i v i t i e s ”
14 m e a n s a n y F e d e r a l o r S t a t e a c t i v i t y p r i m a r i l y o r e n -
15 t i r e l y w i t h i n t h e G r e a t L a k e s w a t e r s h e d t h a t s e e k s
16 t o i m p r o v e t h e o v e r a l l h e a l t h o f t h e G r e a t L a k e s e c o -
17 s y s t e m .

18 (b) R E P O R T . — N o t l a t e r t h a n 4 5 d a y s a f t e r s u b m i s -
19 s i o n o f t h e b u d g e t o f t h e P r e s i d e n t t o C o n g r e s s , t h e D i r e c -
20 t o r o f t h e O f f i c e o f M a n a g e m e n t a n d B u d g e t , i n c o o r d i n a -
21 t i o n w i t h t h e G o v e r n o r o f e a c h G r e a t L a k e s S t a t e a n d t h e
22 G r e a t L a k e s I n t e r a g e n c y T a s k F o r c e , s h a l l s u b m i t t o t h e
23 a p p r o p r i a t e a u t h o r i z i n g a n d a p p r o p r i a t i n g c o m m i t t e e s o f
24 t h e S e n a t e a n d t h e H o u s e o f R e p r e s e n t a t i v e s a f i n a n c i a l
25 r e p o r t , c e r t i f i e d b y t h e S e c r e t a r y o f e a c h a g e n c y t h a t h a s

1 budget authority for Great Lakes restoration activities,
2 containing—

3 (1) an interagency budget crosscut report
4 that—

5 (A) displays the budget proposed, including
6 any planned interagency or intra-agency trans-
7 fer, for each of the Federal agencies that car-
8 ries out Great Lakes restoration activities in
9 the upcoming fiscal year, separately reporting
10 the amount of funding to be provided under ex-
11 isting laws pertaining to the Great Lakes eco-
12 system; and

13 (B) identifies all expenditures since fiscal
14 year 2004 by the Federal Government and
15 State governments for Great Lakes restoration
16 activities;

17 (2) a detailed accounting of all funds received
18 and obligated by all Federal agencies and, to the ex-
19 tent available, State agencies using Federal funds,
20 for Great Lakes restoration activities during the cur-
21 rent and previous fiscal years;

22 (3) a budget for the proposed projects (includ-
23 ing a description of the project, authorization level,
24 and project status) to be carried out in the upcom-

1 ing fiscal year with the Federal portion of funds for
2 activities; and

3 (4) a listing of all projects to be undertaken in
4 the upcoming fiscal year with the Federal portion of
5 funds for activities.

6 SEC. 739. (a) IN GENERAL.—None of the funds ap-
7 propriated or otherwise made available by this or any
8 other Act may be used for any Federal Government con-
9 tract with any foreign incorporated entity which is treated
10 as an inverted domestic corporation under section 835(b)
11 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
12 or any subsidiary of such an entity.

13 (b) WAIVERS.—

14 (1) IN GENERAL.—Any Secretary shall waive
15 subsection (a) with respect to any Federal Govern-
16 ment contract under the authority of such Secretary
17 if the Secretary determines that the waiver is re-
18 quired in the interest of national security.

19 (2) REPORT TO CONGRESS.—Any Secretary
20 issuing a waiver under paragraph (1) shall report
21 such issuance to Congress.

22 (c) EXCEPTION.—This section shall not apply to any
23 Federal Government contract entered into before the date
24 of the enactment of this Act, or to any task order issued
25 pursuant to such contract.

1 SEC. 740. None of the funds made available by this
2 or any other Act may be used to implement, administer,
3 enforce, or apply the rule entitled “Competitive Area”
4 published by the Office of Personnel Management in the
5 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
6 et seq.).

7 SEC. 741. Section 743 of the Consolidated Appropria-
8 tions Act, 2010 (Public Law 111–117; 31 U.S.C. 501
9 note) is amended—

10 (1) in subsection (a)(3), by inserting after “ex-
11 ercise of an option” the following: “, and task orders
12 issued under any such contract,”;

13 (2) in subsection (a)(3)(G), by inserting before
14 the period at the end the following: “, using direct
15 labor hours and associated cost data collected from
16 contractors”;

17 (3) in subsection (e)(2)(B), by striking the text
18 and inserting the following: “the contracts exclude to
19 the maximum extent practicable functions that are
20 closely associated with inherently governmental func-
21 tions;”; and

22 (4) by redesignating subsections (h) and (i) as
23 subsections (i) and (j) and by inserting after sub-
24 section (g) the following new subsection:

1 “(h) SUBMISSION OF REPORT ON ACTIONS TAKEN
2 BEFORE PUBLIC-PRIVATE COMPETITION MAY OCCUR.—
3 An executive agency may not begin, plan for, or announce
4 a study or public-private competition regarding the con-
5 version to contractor performance of any function per-
6 formed by Federal employees pursuant to Office of Man-
7 agement and Budget Circular A-76 or any other adminis-
8 trative regulation or directive until after that agency has
9 submitted to the Office of Management and Budget a re-
10 port, pursuant to subsection (f), that includes actions
11 taken to convert from contractor to Federal employee per-
12 formance functions that are not inherently governmental,
13 closely associated with governmental functions, critical, or
14 should not otherwise be reserved for performance by Fed-
15 eral employees. This subsection shall take effect beginning
16 with the report required under subsection (f) that is in-
17 cluded as an attachment to the annual inventory due by
18 December 31, 2011.”.

19 SEC. 742. The Office of Management and Budget
20 shall issue guidance, consistent with section 735 of divi-
21 sion D of the Omnibus Appropriations Act, 2009, Public
22 Law 111-8, and section 739(a)(1) of division D of the
23 Consolidated Appropriations Act, 2008 (Public Law 110-
24 161), and section 327 of the 2008 National Defense Au-
25 thorization Act (Public Law 110-181), to prohibit the use

1 of direct conversions to contract out, in whole or in part,
2 activities or functions last performed by any number of
3 Federal employees by an executive agency without first
4 conducting a public-private competition. Such guidance
5 shall ensure that—

6 (1) activities or functions performed by an execu-
7 tive agency and are reengineered, reorganized,
8 modernized, upgraded, expanded, or changed to be-
9 come more efficient, but still essentially providing
10 the same service, shall not be contracted out without
11 first conducting a public-private competition;

12 (2) activities or functions performed by Federal
13 employees for an executive agency may not be modi-
14 fied, reorganized, divided, or in any way changed for
15 the purpose of exempting the conversion of the ac-
16 tivities or functions from the prohibition against the
17 use of direct conversions; and

18 (3) activities or functions performed by Federal
19 employees for an executive agency who have retired
20 or been reassigned to perform other activities may
21 not be converted to contractor performance without
22 first conducting a public-private competition.

23 SEC. 743. During fiscal year 2012, for each employee
24 who—

1 (1) retires under section 8336(d)(2) or
2 8414(b)(1)(B) of title 5, United States Code, or

3 (2) retires under any other provision of sub-
4 chapter III of chapter 83 or chapter 84 of such title
5 5 and receives a payment as an incentive to sepa-
6 rate, the separating agency shall remit to the Civil
7 Service Retirement and Disability Fund an amount
8 equal to the Office of Personnel Management’s aver-
9 age unit cost of processing a retirement claim for
10 the preceding fiscal year. Such amounts shall be
11 available until expended to the Office of Personnel
12 Management and shall be deemed to be an adminis-
13 trative expense under section 8348(a)(1)(B) of title
14 5, United States Code.

15 SEC. 744. (a) DEFINITIONS.—In this section—

16 (1) the term “agency”—

17 (A) means an Executive agency as defined
18 under section 105 of title 5, United States
19 Code; and

20 (B) does not apply to the Department of
21 Defense; and

22 (2) the term “Federal employee” means an em-
23 ployee as defined under section 2105 of title 5,
24 United States Code.

1 (b) PROHIBITION OF CERTAIN PERSONNEL MANAGE-
2 MENT LIMITATIONS.—

3 (1) IN GENERAL.—Federal employees in each
4 agency shall be managed each fiscal year solely on
5 the basis of, and consistent with—

6 (A) the workload required to carry out the
7 functions and activities of that agency; and

8 (B) the funds made available to that agen-
9 cy for that fiscal year.

10 (2) PROHIBITION ON LIMITATIONS.—Notwith-
11 standing any other provision of law—

12 (A) the management of Federal employees
13 in any fiscal year shall not be subject to any
14 limitation in terms of work years, full-time
15 equivalent positions, or maximum number of
16 Federal employees; and

17 (B) an agency may not be required to
18 make a reduction in the number of full-time
19 equivalent positions, unless that reduction is—

20 (i) necessary due to a reduction in
21 funds available to the agency; or

22 (ii) required under a statute that—

23 (I) is enacted after the date of
24 enactment of this Act; and

1 (II) specifically refers to this sec-
2 tion.

3 (c) EMPLOYEE NUMBERS, SKILLS, AND QUALIFICA-
4 TIONS.—In each fiscal year, the head of each agency shall
5 ensure that there are employed during that fiscal year
6 Federal employees in the number and with the combina-
7 tion of skills and qualifications that are necessary to carry
8 out the functions within the applicable budget activity for
9 which funds are provided for that fiscal year.

10 (d) REPORTS.—

11 (1) IN GENERAL.—Not later than February 1
12 of each year, the Director of the Office of Manage-
13 ment and Budget shall submit to the Committees on
14 Appropriations of the Senate and the House of Rep-
15 resentatives a report on the management of the Fed-
16 eral workforce.

17 (2) CONTENTS.—Each report submitted under
18 this subsection shall include a statement by the Di-
19 rector of the Office of Management and Budget with
20 respect to the preceding fiscal year—

21 (A) on the compliance of agencies (includ-
22 ing the Office of Management and Budget) with
23 subsections (b) and (c); and

24 (B) that identifies any agency that was not
25 in compliance with subsections (b) and (c).

1 (e) EFFECTIVE DATE.—This section shall apply to
2 fiscal year 2012 and each fiscal year thereafter.

3 SEC. 745. Except as expressly provided otherwise,
4 any reference to “this Act” contained in any title other
5 than title IV or VIII shall not apply to such title IV or
6 VIII.

7 TITLE VIII

8 GENERAL PROVISIONS—DISTRICT OF
9 COLUMBIA

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 801. Whenever in this Act, an amount is speci-
12 fied within an appropriation for particular purposes or ob-
13 jects of expenditure, such amount, unless otherwise speci-
14 fied, shall be considered as the maximum amount that
15 may be expended for said purpose or object rather than
16 an amount set apart exclusively therefor.

17 SEC. 802. Appropriations in this Act shall be avail-
18 able for expenses of travel and for the payment of dues
19 of organizations concerned with the work of the District
20 of Columbia government, when authorized by the Mayor,
21 or, in the case of the Council of the District of Columbia,
22 funds may be expended with the authorization of the
23 Chairman of the Council.

24 SEC. 803. There are appropriated from the applicable
25 funds of the District of Columbia such sums as may be

1 necessary for making refunds and for the payment of legal
2 settlements or judgments that have been entered against
3 the District of Columbia government.

4 SEC. 804. (a) None of the Federal funds provided in
5 this Act shall be used for publicity or propaganda purposes
6 or implementation of any policy including boycott designed
7 to support or defeat legislation pending before Congress
8 or any State legislature.

9 (b) The District of Columbia may use local funds pro-
10 vided in this title to carry out lobbying activities on any
11 matter.

12 SEC. 805. (a) None of the Federal funds provided
13 under this Act to the agencies funded by this Act, both
14 Federal and District government agencies, that remain
15 available for obligation or expenditure in fiscal year 2012,
16 or provided from any accounts in the Treasury of the
17 United States derived by the collection of fees available
18 to the agencies funded by this Act, shall be available for
19 obligation or expenditures for an agency through a re-
20 programming of funds which—

21 (1) creates new programs;

22 (2) eliminates a program, project, or responsi-
23 bility center;

24 (3) establishes or changes allocations specifi-
25 cally denied, limited or increased under this Act;

1 (4) increases funds or personnel by any means
2 for any program, project, or responsibility center for
3 which funds have been denied or restricted;

4 (5) re-establishes any program or project pre-
5 viously deferred through reprogramming;

6 (6) augments any existing program, project, or
7 responsibility center through a reprogramming of
8 funds in excess of \$3,000,000 or 10 percent, which-
9 ever is less; or

10 (7) increases by 20 percent or more personnel
11 assigned to a specific program, project or responsi-
12 bility center,

13 unless the Committees on Appropriations of the House of
14 Representatives and the Senate are notified in writing 15
15 days in advance of the reprogramming.

16 (b) The District of Columbia government is author-
17 ized to approve and execute reprogramming and transfer
18 requests of local funds under this title through November
19 1, 2012.

20 SEC. 806. Consistent with the provisions of section
21 1301(a) of title 31, United States Code, appropriations
22 under this Act shall be applied only to the objects for
23 which the appropriations were made except as otherwise
24 provided by law.

1 SEC. 807. None of the Federal funds provided in this
2 Act may be used by the District of Columbia to provide
3 for salaries, expenses, or other costs associated with the
4 offices of United States Senator or United States Rep-
5 resentative under section 4(d) of the District of Columbia
6 Statehood Constitutional Convention Initiatives of 1979
7 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

8 SEC. 808. Except as otherwise provided in this sec-
9 tion, none of the funds made available by this Act or by
10 any other Act may be used to provide any officer or em-
11 ployee of the District of Columbia with an official vehicle
12 unless the officer or employee uses the vehicle only in the
13 performance of the officer’s or employee’s official duties.
14 For purposes of this section, the term “official duties”
15 does not include travel between the officer’s or employee’s
16 residence and workplace, except in the case of—

17 (1) an officer or employee of the Metropolitan
18 Police Department who resides in the District of Co-
19 lumbia or a District of Columbia government em-
20 ployee as may otherwise be designated by the Chief
21 of the Department;

22 (2) at the discretion of the Fire Chief, an offi-
23 cer or employee of the District of Columbia Fire and
24 Emergency Medical Services Department who re-
25 sides in the District of Columbia and is on call 24

1 hours a day or is otherwise designated by the Fire
2 Chief;

3 (3) at the discretion of the Director of the De-
4 partment of Corrections, an officer or employee of
5 the District of Columbia Department of Corrections
6 who resides in the District of Columbia and is on
7 call 24 hours a day or is otherwise designated by the
8 Director;

9 (4) the Mayor of the District of Columbia; and

10 (5) the Chairman of the Council of the District
11 of Columbia.

12 SEC. 809. (a) None of the Federal funds contained
13 in this Act may be used by the District of Columbia Attor-
14 ney General or any other officer or entity of the District
15 government to provide assistance for any petition drive or
16 civil action which seeks to require Congress to provide for
17 voting representation in Congress for the District of Co-
18 lumbia.

19 (b) Nothing in this section bars the District of Co-
20 lumbia Attorney General from reviewing or commenting
21 on briefs in private lawsuits, or from consulting with offi-
22 cials of the District government regarding such lawsuits.

23 SEC. 810. None of the Federal funds contained in
24 this Act may be used to distribute any needle or syringe
25 for the purpose of preventing the spread of blood borne

1 pathogens in any location that has been determined by the
2 local public health or local law enforcement authorities to
3 be inappropriate for such distribution.

4 SEC. 811. Nothing in this Act may be construed to
5 prevent the Council or Mayor of the District of Columbia
6 from addressing the issue of the provision of contraceptive
7 coverage by health insurance plans, but it is the intent
8 of Congress that any legislation enacted on such issue
9 should include a “conscience clause” which provides excep-
10 tions for religious beliefs and moral convictions.

11 SEC. 812. Hereafter, as part of the submission of the
12 annual budget justification, the Mayor of the District of
13 Columbia shall submit to the Committees on Appropria-
14 tions of the House of Representatives and the Senate, the
15 Committee on Oversight and Government Reform of the
16 House of Representatives, and the Committee on Home-
17 land Security and Governmental Affairs of the Senate a
18 report addressing—

19 (1) crime, including the homicide rate, imple-
20 mentation of community policing, and the number of
21 police officers on local beats;

22 (2) access to substance and alcohol abuse treat-
23 ment, including the number of treatment slots, the
24 number of people served, the number of people on
25 waiting lists, and the effectiveness of treatment pro-

1 grams, the retention rates in treatment programs,
2 and the recidivism/re-arrest rates for treatment par-
3 ticipants;

4 (3) education, including access to special edu-
5 cation services and student achievement to be pro-
6 vided in consultation with the District of Columbia
7 Public Schools, repeated grade rates, high school
8 graduation rates, and post-secondary education at-
9 tendance rates;

10 (4) improvement in basic District services, in-
11 cluding rat control and abatement; and

12 (5) application for and management of Federal
13 grants, including the number and type of grants for
14 which the District was eligible but failed to apply
15 and the number and type of grants awarded to the
16 District but for which the District failed to spend
17 the amounts received.

18 SEC. 813. None of the Federal funds contained in
19 this Act may be used to enact or carry out any law, rule,
20 or regulation to legalize or otherwise reduce penalties asso-
21 ciated with the possession, use, or distribution of any
22 schedule I substance under the Controlled Substances Act
23 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
24 rivative.

1 SEC. 814. None of the Federal funds appropriated
2 under this Act shall be expended for any abortion except
3 where the life of the mother would be endangered if the
4 fetus were carried to term or where the pregnancy is the
5 result of an act of rape or incest.

6 SEC. 815. (a) No later than 30 calendar days after
7 the date of the enactment of this Act, the Chief Financial
8 Officer for the District of Columbia shall submit to the
9 appropriate committees of Congress, the Mayor, and the
10 Council of the District of Columbia, a revised appropriated
11 funds operating budget in the format of the budget that
12 the District of Columbia government submitted pursuant
13 to section 442 of the District of Columbia Home Rule Act
14 (D.C. Official Code, sec. 1–204.42), for all agencies of the
15 District of Columbia government for fiscal year 2012 that
16 is in the total amount of the approved appropriation and
17 that realigns all budgeted data for personal services and
18 other-than-personal services, respectively, with anticipated
19 actual expenditures.

20 (b) This section shall apply only to an agency for
21 which the Chief Financial Officer for the District of Co-
22 lumbia certifies that a reallocation is required to address
23 unanticipated changes in program requirements.

24 SEC. 816. No later than 30 calendar days after the
25 date of the enactment of this Act, the Chief Financial Offi-

1 cer for the District of Columbia shall submit to the appro-
2 priate committees of Congress, the Mayor, and the Council
3 for the District of Columbia, a revised appropriated funds
4 operating budget for the District of Columbia Public
5 Schools that aligns schools budgets to actual enrollment.
6 The revised appropriated funds budget shall be in the for-
7 mat of the budget that the District of Columbia govern-
8 ment submitted pursuant to section 442 of the District
9 of Columbia Home Rule Act (D.C. Official Code, Sec. 1–
10 204.42).

11 SEC. 817. Amounts appropriated in this Act as oper-
12 ating funds may be transferred to the District of Colum-
13 bia’s enterprise and capital funds and such amounts, once
14 transferred, shall retain appropriation authority consistent
15 with the provisions of this Act.

16 SEC. 818. Notwithstanding any other laws, for this
17 and succeeding fiscal years, the Director of the District
18 of Columbia Public Defender Service shall, to the extent
19 the Director considers appropriate, provide representation
20 for and hold harmless, or provide liability insurance for,
21 any person who is an employee, member of the Board of
22 Trustees, or officer of the District of Columbia Public De-
23 fender Service for money damages arising out of any
24 claim, proceeding, or case at law relating to the furnishing
25 of representational services or management services or re-

1 lated services while acting within the scope of that per-
2 son’s office or employment, including, but not limited to
3 such claims, proceedings, or cases at law involving employ-
4 ment actions, injury, loss of liberty, property damage, loss
5 of property, or personal injury, or death arising from mal-
6 practice or negligence of any such officer or employee.

7 SEC. 819. Section 346 of the District of Columbia
8 Appropriations Act, 2005 (Public Law 108–335) is
9 amended—

- 10 (1) in the title, by striking “BIENNIAL”;
- 11 (2) in subsection (a), by striking “Biennial
12 management” and inserting “Management”;
- 13 (3) in subsection (a), by striking “States.” and
14 inserting “States every five years.”; and
- 15 (4) in subsection (b)(6), by striking “2” and in-
16 serting “5”.

17 SEC. 820. Except as expressly provided otherwise,
18 any reference to “this Act” contained in this title or in
19 title IV shall be treated as referring only to the provisions
20 of this title or of title IV.

21 This Act may be cited as the “Financial Services and
22 General Government Appropriations Act, 2012”.

1 **DIVISION C—DEPARTMENT OF STATE,**
2 **FOREIGN OPERATIONS, AND RELATED**
3 **PROGRAMS**

4 That the following sums are appropriated, out of any
5 money in the Treasury not otherwise appropriated, for the
6 Department of State, foreign operations, and related pro-
7 grams for the fiscal year ending September 30, 2012, and
8 for other purposes, namely:

9 TITLE I

10 DEPARTMENT OF STATE AND RELATED

11 AGENCY

12 DEPARTMENT OF STATE

13 ADMINISTRATION OF FOREIGN AFFAIRS

14 DIPLOMATIC AND CONSULAR PROGRAMS

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses of the Department of State
17 and the Foreign Service not otherwise provided for,
18 \$6,877,500,000, of which \$1,400,000,000 is for World-
19 wide Security Protection (to remain available until ex-
20 pended): *Provided*, That funds made available under this
21 heading shall be allocated as follows:

22 (1) HUMAN RESOURCES.—For necessary ex-
23 penses for training, human resources management,
24 and salaries, including employment without regard
25 to civil service and classification laws of persons on

1 a temporary basis (not to exceed \$700,000), as au-
2 thORIZED by section 801 of the United States Infor-
3 mation and Educational Exchange Act of 1948,
4 \$2,387,854,000, to remain available until September
5 30, 2013, of which not less than \$134,700,000 shall
6 be available only for public diplomacy American sal-
7 aries, and \$205,900,000 is for Worldwide Security
8 Protection and shall remain available until expended.

9 (2) OVERSEAS PROGRAMS.—For necessary ex-
10 penses for the regional bureaus of the Department
11 of State and overseas activities as authorized by law,
12 \$2,124,646,000, to remain available until September
13 30, 2013, of which not less than \$360,602,000 shall
14 be available only for public diplomacy international
15 information programs.

16 (3) DIPLOMATIC POLICY AND SUPPORT.—For
17 necessary expenses for the functional bureaus of the
18 Department of State including representation to cer-
19 tain international organizations in which the United
20 States participates pursuant to treaties ratified pur-
21 suant to the advice and consent of the Senate or
22 specific Acts of Congress, general administration,
23 and arms control, nonproliferation and disarmament
24 activities as authorized, \$865,000,000, to remain
25 available until September 30, 2013.

1 (4) SECURITY PROGRAMS.—For necessary ex-
2 penses for security activities, \$1,500,000,000, to re-
3 main available until September 30, 2013, of which
4 \$1,194,100,000 is for Worldwide Security Protection
5 and shall remain available until expended.

6 (5) FEES AND PAYMENTS COLLECTED.—In ad-
7 dition to amounts otherwise made available under
8 this heading—

9 (A) not to exceed \$1,753,991 shall be de-
10 rived from fees collected from other executive
11 agencies for lease or use of facilities located at
12 the International Center in accordance with sec-
13 tion 4 of the International Center Act, and, in
14 addition, as authorized by section 5 of such
15 Act, \$520,150, to be derived from the reserve
16 authorized by that section, to be used for the
17 purposes set out in that section;

18 (B) as authorized by section 810 of the
19 United States Information and Educational Ex-
20 change Act, not to exceed \$5,000,000, to re-
21 main available until expended, may be credited
22 to this appropriation from fees or other pay-
23 ments received from English teaching, library,
24 motion pictures, and publication programs and

1 from fees from educational advising and coun-
2 seling and exchange visitor programs; and

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

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

8 (A) Notwithstanding any provision of this
9 Act, funds may be reprogrammed within and
10 between subsections under this heading subject
11 to section 7015 of this Act.

12 (B) Of the amount made available under
13 this heading, not to exceed \$10,000,000 may be
14 transferred to, and merged with, funds made
15 available by this Act under the heading “Emer-
16 gencies in the Diplomatic and Consular Serv-
17 ice”, to be available only for emergency evacu-
18 ations and rewards, as authorized.

19 (C) Funds appropriated under this heading
20 are available for acquisition by exchange or pur-
21 chase of passenger motor vehicles as authorized
22 by law and, pursuant to 31 U.S.C. 1108(g), for
23 the field examination of programs and activities
24 in the United States funded from any account
25 contained in this title.

232

1 CAPITAL INVESTMENT FUND

2 For necessary expenses of the Capital Investment
3 Fund, \$69,915,000, to remain available until expended,
4 as authorized: *Provided*, That section 135(e) of Public
5 Law 103–236 shall not apply to funds available under this
6 heading.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General, \$61,904,000, notwithstanding section 209(a)(1)
10 of the Foreign Service Act of 1980 (Public Law 96–465),
11 as it relates to post inspections.

12 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

13 For expenses of educational and cultural exchange
14 programs, as authorized, \$612,000,000, to remain avail-
15 able until expended: *Provided*, That not to exceed
16 \$5,000,000, to remain available until expended, may be
17 credited to this appropriation from fees or other payments
18 received from or in connection with English teaching, edu-
19 cational advising and counseling programs, and exchange
20 visitor programs as authorized.

21 REPRESENTATION ALLOWANCES

22 For representation allowances as authorized,
23 \$7,300,000.

1 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

2 For expenses, not otherwise provided, to enable the
3 Secretary of State to provide for extraordinary protective
4 services, as authorized, \$27,744,000, to remain available
5 until September 30, 2013.

6 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

7 For necessary expenses for carrying out the Foreign
8 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
9 serving, maintaining, repairing, and planning for buildings
10 that are owned or directly leased by the Department of
11 State, renovating, in addition to funds otherwise available,
12 the Harry S Truman Building, and carrying out the Dip-
13 lomatic Security Construction Program as authorized,
14 \$795,000,000, to remain available until expended as au-
15 thorized, of which not to exceed \$25,000 may be used for
16 domestic and overseas representation as authorized: *Pro-*
17 *vided*, That none of the funds appropriated in this para-
18 graph shall be available for acquisition of furniture, fur-
19 nishings, or generators for other departments and agen-
20 cies.

21 In addition, for the costs of worldwide security up-
22 grades, acquisition, and construction as authorized,
23 \$775,000,000, to remain available until expended: *Pro-*
24 *vided*, That not later than 45 days after enactment of this
25 Act, the Secretary of State shall submit to the Committees

1 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

2 For necessary expenses to carry out the Taiwan Rela-
3 tions Act (Public Law 96–8), \$21,108,000.

4 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
5 DISABILITY FUND

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

8 INTERNATIONAL ORGANIZATIONS

9 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

10 For necessary expenses, not otherwise provided for,
11 to meet annual obligations of membership in international
12 multilateral organizations, pursuant to treaties ratified
13 pursuant to the advice and consent of the Senate, conven-
14 tions or specific Acts of Congress, \$1,585,000,000: *Pro-*
15 *vided*, That the Secretary of State shall, at the time of
16 the submission of the President's budget to Congress
17 under section 1105(a) of title 31, United States Code,
18 transmit to the Committees on Appropriations the most
19 recent biennial budget prepared by the United Nations for
20 the operations of the United Nations: *Provided further*,
21 That the Secretary of State shall notify the Committees
22 on Appropriations of any United Nations action to in-
23 crease funding for any United Nations program without
24 identifying an offsetting decrease elsewhere in the United
25 Nations budget: *Provided further*, That notwithstanding

1 any other provision of law, credits to United States as-
2 sessed contributions to the United Nations Tax Equali-
3 zation Fund should be used to offset other assessed con-
4 tributions to the United Nations, subject to the regular
5 notification procedures of the Committees on Appropria-
6 tions: *Provided further*, That any payment of arrearages
7 under this heading shall be directed toward activities that
8 are mutually agreed upon by the United States and the
9 respective international organization: *Provided further*,
10 That none of the funds appropriated under this heading
11 shall be available for a United States contribution to an
12 international organization for the United States share of
13 interest costs made known to the United States Govern-
14 ment by such organization for loans incurred on or after
15 October 1, 1984, through external borrowings.

16 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
17 ACTIVITIES

18 For necessary expenses to pay assessed and other ex-
19 penses of international peacekeeping activities directed to
20 the maintenance or restoration of international peace and
21 security, \$1,900,000,000, of which 15 percent shall re-
22 main available until September 30, 2013: *Provided*, That
23 at least 15 days in advance of voting for a new or ex-
24 panded mission in the United Nations Security Council
25 (or in an emergency as far in advance as is practicable):

1 (1) the Committees on Appropriations shall be notified of
2 the estimated cost and duration of the mission, the na-
3 tional interest that will be served, the exit strategy, and
4 that the United Nations has taken appropriate measures
5 to prevent United Nations employees, contractor per-
6 sonnel, and peacekeeping forces serving in the mission
7 from trafficking in persons, exploiting victims of traf-
8 ficking, or committing acts of illegal sexual exploitation
9 or other violations of human rights, and to hold account-
10 able individuals who engage in such acts while partici-
11 pating in the peacekeeping mission, including the prosecu-
12 tion in their home countries of such individuals in connec-
13 tion with such acts; and (2) notification pursuant to sec-
14 tion 7015 of this Act is submitted, and the procedures
15 therein followed, setting forth the source of funds that will
16 be used to pay for the cost of the new or expanded mission:
17 *Provided further*, That funds shall be available for peace-
18 keeping expenses unless the Secretary of State determines
19 that American manufacturers and suppliers are not being
20 given opportunities to provide equipment, services, and
21 material for United Nations peacekeeping activities equal
22 to those being given to foreign manufacturers and sup-
23 pliers: *Provided further*, That the Secretary of State shall
24 work with the United Nations and governments contrib-
25 uting peacekeeping troops to develop effective vetting pro-

1 cedures to ensure that troops have not violated human
2 rights: *Provided further*, That notwithstanding any other
3 provision of law, credits to United States assessed con-
4 tributions to United Nations peacekeeping missions and
5 to the United Nations Tax Equalization Fund should be
6 used to offset other assessed contributions to the United
7 Nations, subject to the regular notification procedures of
8 the Committees on Appropriations.

9 INTERNATIONAL COMMISSIONS

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

13 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

14 UNITED STATES AND MEXICO

15 For necessary expenses for the United States Section
16 of the International Boundary and Water Commission,
17 United States and Mexico, and to comply with laws appli-
18 cable to the United States Section, including not to exceed
19 \$6,000 for representation; as follows:

20 SALARIES AND EXPENSES

21 For salaries and expenses, not otherwise provided for,
22 \$45,000,000.

1 CONSTRUCTION

2 For detailed plan preparation and construction of au-
3 thorized projects, \$29,862,000, to remain available until
4 expended, as authorized.

5 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

6 For necessary expenses, not otherwise provided, for
7 the International Joint Commission and the International
8 Boundary Commission, United States and Canada, as au-
9 thorized by treaties between the United States and Can-
10 ada or Great Britain, and the Border Environment Co-
11 operation Commission as authorized by Public Law 103-
12 182, \$11,687,000: *Provided*, That of the amount provided
13 under this heading for the International Joint Commis-
14 sion, \$9,000 may be made available for representation ex-
15 penses.

16 INTERNATIONAL FISHERIES COMMISSIONS

17 For necessary expenses for international fisheries
18 commissions, not otherwise provided for, as authorized by
19 law, \$36,300,000: *Provided*, That the United States share
20 of such expenses may be advanced to the respective com-
21 missions pursuant to 31 U.S.C. 3324.

1 RELATED AGENCY

2 BROADCASTING BOARD OF GOVERNORS

3 INTERNATIONAL BROADCASTING OPERATIONS

4 For necessary expenses to enable the Broadcasting
5 Board of Governors (BBG), as authorized, to carry out
6 international communication activities, and to make and
7 supervise grants for radio and television broadcasting to
8 the Middle East, \$740,039,000: *Provided*, That of the
9 total amount in this heading, not less than \$2,500,000
10 shall be used to expand unrestricted access to information
11 on the Internet through the development and use of cir-
12 cumvention and secure communication technologies: *Pro-*
13 *vided further*, That the BBG shall coordinate the use of
14 such technologies with the Secretary of State and the Ad-
15 ministrator of the United States Agency for International
16 Development, as appropriate: *Provided further*, That the
17 circumvention technologies and programs supported by
18 funds made available by this Act or Public Law 112-10
19 shall undergo a peer review, to include an assessment of
20 protections against such technologies being used for illicit
21 purposes such as furthering the communications capabili-
22 ties of extremist groups or their supporters: *Provided fur-*
23 *ther*, That prior to obligation, the BBG shall submit to
24 the Committees on Appropriations a report detailing
25 planned expenditures for funds made available for such

1 activities: *Provided further*, That not later than September
2 30, 2012, the BBG shall submit a report to the Commit-
3 tees on Appropriations listing programs supported by the
4 BBG to promote unrestricted access to information
5 through the Internet, including an assessment of the re-
6 sults of such programs: *Provided further*, That of the total
7 amount appropriated under this heading, not to exceed
8 \$16,000 may be used for official receptions within the
9 United States as authorized, not to exceed \$35,000 may
10 be used for representation abroad as authorized, and not
11 to exceed \$39,000 may be used for official reception and
12 representation expenses of Radio Free Europe/Radio Lib-
13 erty: *Provided further*, That the authority provided by sec-
14 tion 504(c) of the Foreign Relations Authorization Act,
15 Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206
16 note) shall remain in effect through September 30, 2012:
17 *Provided further*, That the BBG shall notify the Commit-
18 tees on Appropriations within 15 days of any determina-
19 tion by the Board that any of its broadcast entities, in-
20 cluding its grantee organizations, provides an open plat-
21 form for international terrorists or those who support
22 international terrorism, or is in violation of the principles
23 and standards set forth in the United States International
24 Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b))
25 or the entity’s journalistic code of ethics: *Provided further*,

1 That reductions and increases to BBG broadcast hours
2 previously justified to Congress, including changes to
3 transmission platforms (shortwave, medium wave, sat-
4 ellite, and television), for all BBG language services shall
5 be subject to the regular notification procedures of the
6 Committees on Appropriations: *Provided further*, That in
7 addition to funds made available under this heading, and
8 notwithstanding any other provision of law, up to
9 \$2,000,000 in receipts from advertising and revenue from
10 business ventures, up to \$500,000 in receipts from cooper-
11 ating international organizations, and up to \$1,000,000
12 in receipts from privatization efforts of the Voice of Amer-
13 ica and the International Broadcasting Bureau, to remain
14 available until expended for carrying out authorized pur-
15 poses.

16 BROADCASTING CAPITAL IMPROVEMENTS

17 For the purchase, rent, construction, and improve-
18 ment of facilities for radio and television transmission and
19 reception, and purchase and installation of necessary
20 equipment for radio and television transmission and recep-
21 tion, including to Cuba, as authorized, \$9,361,000, to re-
22 main available until expended, as authorized.

1 RELATED PROGRAMS

2 THE ASIA FOUNDATION

3 For a grant to The Asia Foundation, as authorized
4 by The Asia Foundation Act (22 U.S.C. 4402),
5 \$17,000,000, to remain available until expended, as au-
6 thorized.

7 UNITED STATES INSTITUTE OF PEACE

8 For necessary expenses of the United States Institute
9 of Peace, as authorized by the United States Institute of
10 Peace Act, \$31,589,000, to remain available until Sep-
11 tember 30, 2012, which shall not be used for construction
12 activities.

13 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

14 TRUST FUND

15 For necessary expenses of the Center for Middle
16 Eastern-Western Dialogue Trust Fund, as authorized by
17 section 633 of the Departments of Commerce, Justice, and
18 State, the Judiciary, and Related Agencies Appropriations
19 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
20 est and earnings accruing to such Fund on or before Sep-
21 tember 30, 2012, to remain available until expended.

22 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

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

1 U.S.C. 5204–5205), all interest and earnings accruing to
2 the Eisenhower Exchange Fellowship Program Trust
3 Fund on or before September 30, 2012, to remain avail-
4 able until expended: *Provided*, That none of the funds ap-
5 propriated herein shall be used to pay any salary or other
6 compensation, or to enter into any contract providing for
7 the payment thereof, in excess of the rate authorized by
8 5 U.S.C. 5376; or for purposes which are not in accord-
9 ance with OMB Circulars A–110 (Uniform Administrative
10 Requirements) and A–122 (Cost Principles for Non-profit
11 Organizations), including the restrictions on compensation
12 for personal services.

13 ISRAELI ARAB SCHOLARSHIP PROGRAM

14 For necessary expenses of the Israeli Arab Scholar-
15 ship Program, as authorized by section 214 of the Foreign
16 Relations Authorization Act, Fiscal Years 1992 and 1993
17 (22 U.S.C. 2452), all interest and earnings accruing to
18 the Israeli Arab Scholarship Fund on or before September
19 30, 2012, to remain available until expended.

20 EAST-WEST CENTER

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

1 waii, \$16,700,000: *Provided*, That none of the funds ap-
2 propriated herein shall be used to pay any salary, or enter
3 into any contract providing for the payment thereof, in
4 excess of the rate authorized by 5 U.S.C. 5376.

5 NATIONAL ENDOWMENT FOR DEMOCRACY

6 For grants made by the Department of State to the
7 National Endowment for Democracy, as authorized by the
8 National Endowment for Democracy Act, \$117,764,000,
9 to remain available until expended, of which \$100,000,000
10 shall be allocated in the traditional and customary man-
11 ner, including for the core institutes, and \$25,000,000
12 shall be for democracy, human rights, and rule of law pro-
13 grams: *Provided*, That the President of the National En-
14 dowment for Democracy shall submit to the Committees
15 on Appropriations not later than 45 days after the date
16 of enactment of this Act a report on the proposed uses
17 of funds under this heading on a regional and country
18 basis.

19 OTHER COMMISSIONS

20 COMMISSION FOR THE PRESERVATION OF AMERICA'S

21 HERITAGE ABROAD

22 SALARIES AND EXPENSES

23 For necessary expenses for the Commission for the
24 Preservation of America's Heritage Abroad, \$656,000, as
25 authorized by section 1303 of Public Law 99-83.

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

4 For necessary expenses for the United States Com-
5 mission on International Religious Freedom, as authorized
6 by title II of the International Religious Freedom Act of
7 1998 (Public Law 105–292), \$4,291,000, to remain avail-
8 able until September 30, 2013: *Provided*, That notwith-
9 standing the expenditure limitation specified in section
10 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Com-
11 mission may expend up to \$250,000 of the funds made
12 available under this heading to procure temporary and
13 intermittent services under the authority of section
14 3109(b) of title 5, United States Code.

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, \$2,715,000, to remain available until Sep-
21 tember 30, 2013.

1 TITLE II
2 UNITED STATES AGENCY FOR INTERNATIONAL
3 DEVELOPMENT
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OPERATING EXPENSES
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out the provisions
8 of section 667 of the Foreign Assistance Act of 1961,
9 \$1,251,000,000, to remain available until September 30,
10 2013: *Provided*, That none of the funds appropriated
11 under this heading and under the heading “Capital Invest-
12 ment Fund” in this title may be made available to finance
13 the construction (including architect and engineering serv-
14 ices), purchase, or long-term lease of offices for use by
15 the United States Agency for International Development
16 (USAID), unless the USAID Administrator has identified
17 such proposed use of funds in a report submitted to the
18 Committees on Appropriations at least 15 days prior to
19 the obligation of funds for such purposes: *Provided fur-*
20 *ther*, That contracts or agreements entered into with funds
21 appropriated under this heading may entail commitments
22 for the expenditure of such funds through the following
23 fiscal year: *Provided further*, That any decision to open
24 a new USAID mission, bureau, center, or office or, except
25 where there is a substantial security risk to mission per-

1 sonnel, to close or significantly reduce the number of per-
2 sonnel of any such mission or office, shall be subject to
3 the regular notification procedures of the Committees on
4 Appropriations: *Provided further*, That the authority of
5 sections 610 and 109 of the Foreign Assistance Act of
6 1961 may be exercised by the Secretary of State to trans-
7 fer funds appropriated to carry out chapter 1 of part I
8 of such Act to “Operating Expenses” in accordance with
9 the provisions of those sections: *Provided further*, That any
10 reprogramming of funds in excess of \$1,000,000 or 10
11 percent, whichever is less, to the cost categories in the
12 table included under this heading in the report accom-
13 panying this Act for funds appropriated under this head-
14 ing, shall be subject to the regular notification procedures
15 of the Committees on Appropriations: *Provided further*,
16 That of the funds appropriated or made available under
17 this heading, not to exceed \$250,000 may be available for
18 representation and entertainment allowances, of which not
19 to exceed \$5,000 may be available for entertainment allow-
20 ances, for USAID during the current fiscal year: *Provided*
21 *further*, That no such entertainment funds may be used
22 for the purposes listed in section 7020 of this Act: *Pro-*
23 *vided further*, That appropriate steps shall be taken to as-
24 sure that, to the maximum extent possible, United States-
25 owned foreign currencies are utilized in lieu of dollars.

250

1 CAPITAL INVESTMENT FUND

2 For necessary expenses for overseas construction and
3 related costs, and for the procurement and enhancement
4 of information technology and related capital investments,
5 pursuant to section 667 of the Foreign Assistance Act of
6 1961, \$137,000,000, to remain available until expended:
7 *Provided*, That this amount is in addition to funds other-
8 wise available for such purposes: *Provided further*, That
9 funds appropriated under this heading shall be available
10 for obligation only pursuant to the regular notification
11 procedures of the Committees on Appropriations.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses to carry out the provisions
14 of section 667 of the Foreign Assistance Act of 1961,
15 \$49,000,000, to remain available until September 30,
16 2013, which sum shall be available for the Office of In-
17 spector General of the United States Agency for Inter-
18 national Development.

19 TITLE III

20 BILATERAL ECONOMIC ASSISTANCE

21 FUNDS APPROPRIATED TO THE PRESIDENT

22 For necessary expenses to enable the President to
23 carry out the provisions of the Foreign Assistance Act of
24 1961, and for other purposes, to remain available until

1 September 30, 2012, unless otherwise specified herein, as
2 follows:

3 GLOBAL HEALTH PROGRAMS

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses to carry out the provisions
6 of chapters 1 and 10 of part I of the Foreign Assistance
7 Act of 1961, for global health activities, in addition to
8 funds otherwise available for such purposes,
9 \$2,657,500,000, to remain available until September 30,
10 2013, and which shall be apportioned directly to the
11 United States Agency for International Development
12 (USAID): *Provided*, That this amount shall be made avail-
13 able for training, equipment, and technical assistance to
14 build the capacity of public health institutions and organi-
15 zations in developing countries, and for such activities as:
16 (1) child survival and maternal health programs; (2) im-
17 munization and oral rehydration programs; (3) other
18 health, nutrition, water and sanitation programs which di-
19 rectly address the needs of mothers and children, and re-
20 lated education programs; (4) assistance for children dis-
21 placed or orphaned by causes other than AIDS; (5) pro-
22 grams for the prevention, treatment, control of, and re-
23 search on HIV/AIDS, tuberculosis, polio, malaria, and
24 other infectious diseases including neglected tropical dis-
25 eases, and for assistance to communities severely affected

1 by HIV/AIDS, including children infected or affected by
2 AIDS; and (6) family planning/reproductive health: *Pro-*
3 *vided further*, That funds appropriated under this para-
4 graph shall be made available for a United States con-
5 tribution to the GAVI Alliance: *Provided further*, That
6 none of the funds made available in this Act nor any unob-
7 ligated balances from prior appropriations Acts may be
8 made available to any organization or program which, as
9 determined by the President of the United States, sup-
10 ports or participates in the management of a program of
11 coercive abortion or involuntary sterilization: *Provided fur-*
12 *ther*, That any determination made under the previous
13 proviso must be made no later than 6 months after enact-
14 ment of this Act, and must be accompanied by the evi-
15 dence and criteria utilized to make the determination: *Pro-*
16 *vided further*, That none of the funds made available under
17 this Act may be used to pay for the performance of abor-
18 tion as a method of family planning or to motivate or co-
19 erce any person to practice abortions: *Provided further*,
20 That nothing in this paragraph shall be construed to alter
21 any existing statutory prohibitions against abortion under
22 section 104 of the Foreign Assistance Act of 1961: *Pro-*
23 *vided further*, That none of the funds made available under
24 this Act may be used to lobby for or against abortion: *Pro-*
25 *vided further*, That the ninth and tenth provisos under this

1 heading in the Consolidated Appropriations Act, 2010
2 (Public Law 111–117) shall apply to funds appropriated
3 under this heading in this Act: *Provided further*, That for
4 purposes of this or any other Act authorizing or appro-
5 priating funds for the Department of State, foreign oper-
6 ations, and related programs, the term “motivate”, as it
7 relates to family planning assistance, shall not be con-
8 strued to prohibit the provision, consistent with local law,
9 of information or counseling about all pregnancy options:
10 *Provided further*, That information provided about the use
11 of condoms as part of projects or activities that are funded
12 from amounts appropriated by this Act shall be medically
13 accurate and shall include the public health benefits and
14 failure rates of such use.

15 In addition, for necessary expenses to carry out the
16 provisions of the Foreign Assistance Act of 1961 for the
17 prevention, treatment, and control of, and research on,
18 HIV/AIDS, \$5,250,000,000, to remain available until
19 September 30, 2015, which shall be apportioned directly
20 to the Department of State: *Provided*, That of the funds
21 appropriated under this paragraph, not less than
22 \$750,000,000 shall be made available, notwithstanding
23 any other provision of law, except for the United States
24 Leadership Against HIV/AIDS, Tuberculosis and Malaria
25 Act of 2003 (Public Law 108–25), as amended, for a

1 United States contribution to the Global Fund to Fight
2 AIDS, Tuberculosis and Malaria (Global Fund), and shall
3 be expended at the minimum rate necessary to make time-
4 ly payment for projects and activities: *Provided further*,
5 That up to 5 percent of the aggregate amount of funds
6 made available to the Global Fund in fiscal year 2012 may
7 be made available to USAID for technical assistance re-
8 lated to the activities of the Global Fund: *Provided further*,
9 That of the funds appropriated under this paragraph, up
10 to \$14,250,000 may be made available, in addition to
11 amounts otherwise available for such purposes, for admin-
12 istrative expenses of the Office of the United States Global
13 AIDS Coordinator.

14 DEVELOPMENT ASSISTANCE

15 For necessary expenses to carry out the provisions
16 of sections 103, 105, 106, 214, and sections 251 through
17 255, and chapter 10 of part I of the Foreign Assistance
18 Act of 1961, \$2,550,000,000, to remain available until
19 September 30, 2013: *Provided*, That relevant bureaus and
20 offices of the United States Agency for International De-
21 velopment (USAID) that support cross-cutting develop-
22 ment programs shall coordinate such programs on a reg-
23 ular basis: *Provided further*, That funds appropriated by
24 this Act shall be made available for water and sanitation
25 supply projects pursuant to the Paul Simon Water for the

1 Poor Act of 2005 (Public Law 109–121): *Provided further*,
2 That funds appropriated by this Act for food security and
3 agricultural development programs may be made available
4 notwithstanding any other provision of law and shall be
5 made available for a United States contribution to the en-
6 dowment of the Global Crop Diversity Trust pursuant to
7 section 3202 of Public Law 110–246: *Provided further*,
8 That funds appropriated under this heading shall be made
9 available for programs to improve women’s leadership ca-
10 pacity in recipient countries.

11 INTERNATIONAL DISASTER ASSISTANCE

12 For necessary expenses to carry out the provisions
13 of section 491 of the Foreign Assistance Act of 1961 for
14 international disaster relief, rehabilitation, and recon-
15 struction assistance, \$850,000,000, to remain available
16 until expended.

17 TRANSITION INITIATIVES

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

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

17 COMPLEX CRISES FUND

18 For necessary expenses to carry out the provisions
19 of the Foreign Assistance Act of 1961 to enable the Ad-
20 ministrator of the United States Agency for International
21 Development (USAID), with the concurrence of the Sec-
22 retary of State, to support programs and activities to pre-
23 vent or respond to emerging or unforeseen complex crises
24 overseas, \$30,000,000, to remain available until expended:
25 *Provided*, That the administrative authorities of the For-

1 eign Assistance Act of 1961 shall be applicable to funds
2 appropriated under this heading: *Provided further*, That
3 funds appropriated under this heading may be made avail-
4 able on such terms and conditions as the USAID Adminis-
5 trator may determine, in consultation with the Committees
6 on Appropriations, for the purposes of preventing or re-
7 sponding to such crises, except that no funds shall be
8 made available to respond to natural disasters: *Provided*
9 *further*, That funds appropriated under this heading shall
10 be made available notwithstanding section 10 of Public
11 Law 91–672 and section 15 of the State Department
12 Basic Authorities Act of 1956: *Provided further*, That
13 funds appropriated under this heading may be made avail-
14 able notwithstanding any other provision of law, except
15 sections 7007, 7008, and 7018 of this Act: *Provided fur-*
16 *ther*, That funds appropriated under this heading shall be
17 subject to the regular notification procedures of the Com-
18 mittees on Appropriations, except that such notifications
19 shall be transmitted at least 5 days in advance of the obli-
20 gation of funds.

21 DEVELOPMENT CREDIT AUTHORITY

22 (INCLUDING TRANSFER OF FUNDS)

23 For the cost of direct loans and loan guarantees pro-
24 vided by the United States Agency for International De-
25 velopment, as authorized by sections 256 and 635 of the

1 Foreign Assistance Act of 1961, up to \$50,000,000 may
2 be derived by transfer from funds appropriated by this Act
3 to carry out part I of such Act and under the heading
4 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
5 *vided*, That funds provided under this paragraph and
6 funds provided as a gift pursuant to section 635(d) of the
7 Foreign Assistance Act of 1961 shall be made available
8 only for micro and small enterprise programs, urban pro-
9 grams, and other programs which further the purposes of
10 part I of such Act: *Provided further*, That such costs, in-
11 cluding the cost of modifying such direct and guaranteed
12 loans, shall be as defined in section 502 of the Congres-
13 sional Budget Act of 1974, as amended: *Provided further*,
14 That funds made available by this paragraph may be used
15 for the cost of modifying any such guaranteed loans under
16 this Act or prior Acts, and funds used for such costs shall
17 be subject to the regular notification procedures of the
18 Committees on Appropriations: *Provided further*, That the
19 provisions of section 107A(d) (relating to general provi-
20 sions applicable to the Development Credit Authority) of
21 the Foreign Assistance Act of 1961, as contained in sec-
22 tion 306 of H.R. 1486 as reported by the House Com-
23 mittee on International Relations on May 9, 1997, shall
24 be applicable to direct loans and loan guarantees provided
25 under this heading, except that the principal amount of

1 loans made or guaranteed under this heading with respect
2 to any single country or borrower shall not exceed
3 \$300,000,000: *Provided further*, That these funds are
4 available to subsidize total loan principal, any portion of
5 which is to be guaranteed, of up to \$1,000,000,000.

6 In addition, for administrative expenses to carry out
7 credit programs administered by the United States Agency
8 for International Development, \$8,300,000, which may be
9 transferred to, and merged with, funds made available
10 under the heading “Operating Expenses” in title II of this
11 Act: *Provided*, That funds made available under this head-
12 ing shall remain available until September 30, 2014.

13 ECONOMIC SUPPORT FUND

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of chapter 4 of part II of the Foreign Assistance Act of
17 1961, \$4,378,560,000, to remain available until Sep-
18 tember 30, 2013: *Provided*, That of the funds appro-
19 priated under this heading, up to \$250,000,000 shall be
20 available for assistance for Egypt, which shall be for pro-
21 grams and activities (including to implement sections
22 7039(a)(3) and (b) of this Act) to reduce poverty and cre-
23 ate jobs, strengthen democracy, and protect human rights,
24 including not less than \$35,000,000 for education pro-
25 grams of which not less than \$10,000,000 is for scholar-

1 ships at not-for-profit institutions for Egyptian students
2 with high financial need: *Provided further*, That funds ap-
3 propriated under this heading that are made available for
4 assistance for Cyprus shall be used only for scholarships,
5 administrative support of the scholarship program,
6 bicommunal projects, and measures aimed at reunification
7 of the island and designed to reduce tensions and promote
8 peace and cooperation between the two communities on
9 Cyprus: *Provided further*, That \$12,000,000 of the funds
10 made available for assistance for Lebanon under this
11 heading shall be for scholarships at not-for-profit institu-
12 tions for students in Lebanon with high financial need:
13 *Provided further*, That of the funds appropriated under
14 this heading, not less than \$360,000,000 shall be available
15 for assistance for Jordan, including for programs and ac-
16 tivities to reduce poverty and create jobs, strengthen de-
17 mocracy, and protect human rights: *Provided further*, That
18 up to \$30,000,000 of the funds appropriated for fiscal
19 year 2011 under this heading in Public Law 112–10, divi-
20 sion B, may be made available for the costs, as defined
21 in section 502 of the Congressional Budget Act of 1974,
22 of loan guarantees for Tunisia, which are authorized to
23 be provided: *Provided further*, That amounts that are
24 made available under the previous proviso for the cost of
25 guarantees shall not be considered “assistance” for the

1 purposes of provisions of law limiting assistance to a coun-
2 try: *Provided further*, That none of the funds appropriated
3 under this heading may be made available for the Pales-
4 tinian Authority if Palestine becomes a member or non-
5 member state of the United Nations outside of an agree-
6 ment negotiated between Israel and the Palestinians: *Pro-*
7 *vided further*, That the Secretary may waive the previous
8 proviso if the Secretary certifies to the Committees on Ap-
9 propriations that to do so is in the national security inter-
10 ests of the United States: *Provided further*, That of the
11 funds appropriated under this heading, \$179,000,000
12 shall be apportioned directly to the United States Agency
13 for International Development for alternative develop-
14 ment/institution building programs in Colombia: *Provided*
15 *further*, That of the funds appropriated under this heading
16 that are available for assistance for Colombia, not less
17 than \$8,000,000 shall be transferred to, and merged with,
18 funds appropriated under the heading “Migration and
19 Refugee Assistance” and shall be made available only for
20 assistance to nongovernmental and international organiza-
21 tions that provide assistance to Colombian refugees in
22 neighboring countries: *Provided further*, That of the funds
23 appropriated under this heading, \$15,000,000 may be
24 made available for assistance for Cuba, including humani-

1 tarian and democracy assistance, support for economic re-
2 form, private sector initiatives, and human rights.

3 DEMOCRACY FUND

4 For necessary expenses to carry out the provisions
5 of the Foreign Assistance Act of 1961 for the promotion
6 of democracy globally, \$114,770,000, to remain available
7 until September 30, 2013, of which \$70,910,000 shall be
8 made available for the Human Rights and Democracy
9 Fund of the Bureau of Democracy, Human Rights and
10 Labor, Department of State, and \$43,860,000 shall be
11 made available for the Office of Democracy and Govern-
12 ance of the Bureau for Democracy, Conflict, and Humani-
13 tarian Assistance, United States Agency for International
14 Development.

15 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

16 For necessary expenses to carry out the provisions
17 of the Foreign Assistance Act of 1961, the FREEDOM
18 Support Act, and the Support for East European Democ-
19 racy (SEED) Act of 1989, \$626,718,000, to remain avail-
20 able until September 30, 2013, which shall be available,
21 notwithstanding any other provision of law, for assistance
22 and for related programs for countries identified in section
23 3 of the FREEDOM Support Act and section 3(c) of the
24 SEED Act: *Provided*, That funds appropriated under this
25 heading shall be considered to be economic assistance

1 under the Foreign Assistance Act of 1961 for purposes
2 of making available the administrative authorities con-
3 tained in that Act for the use of economic assistance: *Pro-*
4 *vided further*, That funds made available for the Southern
5 Caucasus region may be used for confidence-building
6 measures and other activities in furtherance of the peace-
7 ful resolution of conflicts, including in Nagorno-Karabakh:
8 *Provided further*, That of the funds appropriated under
9 this heading, not less than \$7,000,000 shall be made avail-
10 able for humanitarian, conflict mitigation, human rights,
11 civil society, and relief and reconstruction assistance for
12 the North Caucasus.

13 DEPARTMENT OF STATE

14 MIGRATION AND REFUGEE ASSISTANCE

15 For necessary expenses not otherwise provided for,
16 to enable the Secretary of State to carry out the provisions
17 of section 2(a) and (b) of the Migration and Refugee As-
18 sistance Act of 1962, and other activities to meet refugee
19 and migration needs; salaries and expenses of personnel
20 and dependents as authorized by the Foreign Service Act
21 of 1980; allowances as authorized by sections 5921
22 through 5925 of title 5, United States Code; purchase and
23 hire of passenger motor vehicles; and services as author-
24 ized by section 3109 of title 5, United States Code,
25 \$1,700,000,000, to remain available until expended, of

1 which \$20,000,000 shall be made available for refugees
2 resettling in Israel, and not less than \$35,000,000 shall
3 be made available to respond to small-scale emergency hu-
4 manitarian requirements of international and nongovern-
5 mental partners.

6 INDEPENDENT AGENCIES

7 PEACE CORPS

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses to carry out the provisions
10 of the Peace Corps Act (22 U.S.C. 2501–2523), including
11 the purchase of not to exceed five passenger motor vehicles
12 for administrative purposes for use outside of the United
13 States, \$375,000,000, of which \$5,000,000 is for the Of-
14 fice of Inspector General, to remain available until Sep-
15 tember 30, 2013: *Provided*, That the Director of the Peace
16 Corps may transfer to the Foreign Currency Fluctuations
17 Account, as authorized by 22 U.S.C. 2515, an amount not
18 to exceed \$5,000,000: *Provided further*, That funds trans-
19 ferred pursuant to the previous proviso may not be derived
20 from amounts made available for Peace Corps overseas op-
21 erations: *Provided further*, That of the funds appropriated
22 under this heading, not to exceed \$4,000 may be made
23 available for entertainment expenses: *Provided further*,
24 That not later than 45 days after enactment of this Act,
25 the Director shall submit a spending plan to the Commit-

1 tees on Appropriations on the proposed uses of funds
2 under this heading: *Provided further*, That none of the
3 funds appropriated under this heading may be used to pay
4 for abortions, except when the life of the mother would
5 be endangered if the fetus were carried to term, or the
6 pregnancy is the result of an act of rape or incest.

7 MILLENNIUM CHALLENGE CORPORATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses to carry out the provisions
10 of the Millennium Challenge Act of 2003, \$898,200,000
11 to remain available until expended: *Provided*, That of the
12 funds appropriated under this heading, up to
13 \$105,000,000 may be available for administrative ex-
14 penses of the Millennium Challenge Corporation (the Cor-
15 poration): *Provided further*, That up to 5 percent of the
16 funds appropriated under this heading may be made avail-
17 able to carry out the purposes of section 616 of the Millen-
18 nium Challenge Act of 2003 for fiscal year 2012: *Provided*
19 *further*, That section 605(e)(4) of the Millennium Chal-
20 lenge Act of 2003 shall apply to funds appropriated under
21 this heading: *Provided further*, That funds appropriated
22 under this heading may be made available for a Millen-
23 nium Challenge Compact entered into pursuant to section
24 609 of the Millennium Challenge Act of 2003 only if such
25 Compact obligates, or contains a commitment to obligate

1 subject to the availability of funds and the mutual agree-
2 ment of the parties to the Compact to proceed, the entire
3 amount of the United States Government funding antici-
4 pated for the duration of the Compact: *Provided further,*
5 That the Chief Executive Officer of the Corporation shall
6 notify the Committees on Appropriations not later than
7 15 days prior to signing any new country compact or new
8 threshold country program; terminating or suspending any
9 country compact or threshold country program; or com-
10 mencing negotiations for any new compact or threshold
11 country program: *Provided further,* That funds appro-
12 priated by this Act or any prior Act appropriating funds
13 for the Department of State, foreign operations, and re-
14 lated programs that are made available for a Millennium
15 Challenge Compact and that are suspended or terminated
16 by the Chief Executive Officer of the Corporation shall
17 be subject to the regular notification procedures of the
18 Committees on Appropriations prior to re-obligation: *Pro-*
19 *vided further,* That none of the funds appropriated by this
20 Act and prior Acts making appropriations for the Depart-
21 ment of State, foreign operations, and related programs
22 under this heading may be used for military assistance
23 or military training, including for assistance for military
24 or paramilitary purposes and for assistance to military
25 forces: *Provided further,* That of the funds appropriated

1 under this heading, not to exceed \$100,000 may be avail-
2 able for representation and entertainment allowances, of
3 which not to exceed \$5,000 may be available for entertain-
4 ment allowances.

5 INTER-AMERICAN FOUNDATION

6 For necessary expenses to carry out the functions of
7 the Inter-American Foundation in accordance with the
8 provisions of section 401 of the Foreign Assistance Act
9 of 1969, \$22,500,000, to remain available until September
10 30, 2013: *Provided*, That of the funds appropriated under
11 this heading, not to exceed \$2,000 may be available for
12 entertainment and representation allowances.

13 AFRICAN DEVELOPMENT FOUNDATION

14 For necessary expenses to carry out title V of the
15 International Security and Development Cooperation Act
16 of 1980 (Public Law 96-533), \$30,000,000, to remain
17 available until September 30, 2013: *Provided*, That funds
18 made available to grantees may be invested pending ex-
19 penditure for project purposes when authorized by the
20 Board of Directors of the Foundation: *Provided further*,
21 That interest earned shall be used only for the purposes
22 for which the grant was made: *Provided further*, That not-
23 withstanding section 505(a)(2) of the African Develop-
24 ment Foundation Act, in exceptional circumstances the
25 Board of Directors of the Foundation may waive the

1 \$250,000 limitation contained in that section with respect
2 to a project and a project may exceed the limitation by
3 up to 10 percent if the increase is due solely to foreign
4 currency fluctuation: *Provided further*, That the Founda-
5 tion shall provide a report to the Committees on Appro-
6 priations after each time such waiver authority is exer-
7 cised.

8 DEPARTMENT OF THE TREASURY

9 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

10 For necessary expenses to carry out the provisions
11 of section 129 of the Foreign Assistance Act of 1961,
12 \$27,000,000, to remain available until September 30,
13 2013, which shall be available notwithstanding any other
14 provision of law.

15 DEBT RESTRUCTURING

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

1 \$15,000,000, to remain available until September 30,
2 2013.

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

9 For necessary expenses to carry out section 481 of
10 the Foreign Assistance Act of 1961, \$1,056,000,000, to
11 remain available until September 30, 2013: *Provided*,
12 That during fiscal year 2012, the Department of State
13 may also use the authority of section 608 of the Foreign
14 Assistance Act of 1961, without regard to its restrictions,
15 to receive excess property from an agency of the United
16 States Government for the purpose of providing it to a
17 foreign country or international organization under chap-
18 ter 8 of part I of that Act subject to the regular notifica-
19 tion procedures of the Committees on Appropriations: *Pro-*
20 *vided further*, That the Secretary of State shall provide
21 to the Committees on Appropriations not later than 45
22 days after the date of enactment of this Act and prior
23 to the initial obligation of funds appropriated under this
24 heading, a report on the proposed uses of all funds under
25 this heading on a country-by-country basis for each pro-

1 posed program, project, or activity: *Provided further*, That
2 section 482(b) of the Foreign Assistance Act of 1961 shall
3 not apply to funds appropriated under this heading: *Pro-*
4 *vided further*, That assistance provided with funds appro-
5 priated under this heading that is made available notwith-
6 standing section 482(b) of the Foreign Assistance Act of
7 1961 shall be made available subject to the regular notifi-
8 cation procedures of the Committees on Appropriations:
9 *Provided further*, That notwithstanding any provision of
10 this or any other Act, funds appropriated in prior years
11 under the headings “Andean Counterdrug Initiative” and
12 “Andean Counterdrug Program” shall be available for use
13 in any country for which funds may be made available
14 under this heading without regard to the geographic or
15 purpose limitations under which such funds were origi-
16 nally appropriated, subject to the regular notification pro-
17 cedures of the Committees on Appropriations: *Provided*
18 *further*, That, notwithstanding any other provision of law,
19 of the funds appropriated under this heading, \$5,000,000
20 should be made available to combat piracy of United
21 States copyrighted materials, consistent with the require-
22 ments of section 688(a) and (b) of the Department of
23 State, Foreign Operations, and Related Programs Appro-
24 priations Act, 2008 (division J of Public Law 110–161):
25 *Provided further*, That not later than 90 days after enact-

1 ment of this Act, the Secretary of State shall submit a
2 report to the Committees on Appropriations detailing the
3 operation and maintenance costs of aircraft utilized in
4 Iraq in support of programs funded under this heading,
5 a justification for not including such costs under the head-
6 ing “Diplomatic and Consular Programs”, and estimates
7 for overhead costs associated with the Stabilization Oper-
8 ations and Security Sector Reform program: *Provided fur-*
9 *ther*, That the concurrence of the Secretary of State shall
10 be required for the provision of assistance which is com-
11 parable to assistance made available under this heading
12 but which is provided under any other provision of law.

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

15 For necessary expenses for nonproliferation, anti-ter-
16 rorism, demining and related programs and activities,
17 \$685,500,000, to carry out the provisions of chapter 8 of
18 part II of the Foreign Assistance Act of 1961 for anti-
19 terrorism assistance, chapter 9 of part II of the Foreign
20 Assistance Act of 1961, section 504 of the FREEDOM
21 Support Act, section 23 of the Arms Export Control Act
22 or the Foreign Assistance Act of 1961 for demining activi-
23 ties, the clearance of unexploded ordnance, the destruction
24 of small arms, and related activities, notwithstanding any
25 other provision of law, including activities implemented

1 through nongovernmental and international organizations,
2 and section 301 of the Foreign Assistance Act of 1961
3 for a voluntary contribution to the International Atomic
4 Energy Agency (IAEA), and for a United States contribu-
5 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
6 paratory Commission: *Provided*, That the clearance of
7 unexploded ordnance should prioritize areas where such
8 ordnance was caused by the United States: *Provided fur-*
9 *ther*, That of the funds made available under this heading,
10 not to exceed \$30,000,000, to remain available until ex-
11 pended, may be made available for the Nonproliferation
12 and Disarmament Fund, notwithstanding any other provi-
13 sion of law and subject to prior consultation with, and the
14 regular notification procedures of, the Committees on Ap-
15 propriations, to promote bilateral and multilateral activi-
16 ties relating to nonproliferation, disarmament and weap-
17 ons destruction: *Provided further*, That such funds may
18 also be used for such countries other than the Independent
19 States of the former Soviet Union and international orga-
20 nizations when it is in the national security interest of the
21 United States to do so: *Provided further*, That funds ap-
22 propriated under this heading may be made available for
23 the IAEA unless the Secretary of State determines that
24 Israel is being denied its right to participate in the activi-
25 ties of that Agency: *Provided further*, That funds appro-

1 priated under this heading may be made available for pub-
2 lic-private partnerships for conventional weapons and
3 mine action by grant, cooperative agreement or contract:
4 *Provided further*, That funds made available for demining
5 and related activities, in addition to funds otherwise avail-
6 able for such purposes, may be used for administrative ex-
7 penses related to the operation and management of the
8 demining program: *Provided further*, That funds appro-
9 priated under this heading that are available for “Anti-
10 terrorism Assistance” and “Export Control and Border
11 Security” shall remain available until September 30,
12 2013.

13 PEACEKEEPING OPERATIONS

14 For necessary expenses to carry out the provisions
15 of section 551 of the Foreign Assistance Act of 1961,
16 \$262,000,000: *Provided*, That funds appropriated under
17 this heading may be used, notwithstanding section 660 of
18 such Act, to provide assistance to enhance the capacity
19 of foreign civilian security forces, including gendarmes, to
20 participate in peacekeeping operations: *Provided further*,
21 That funds appropriated under this heading may be used
22 to pay assessed expenses of international peacekeeping ac-
23 tivities in Somalia and shall be available until September
24 30, 2013: *Provided further*, That funds appropriated
25 under this Act should not be used to support any military

1 training or operations that include child soldiers: *Provided*
2 *further*, That none of the funds appropriated under this
3 heading shall be obligated or expended except as provided
4 through the regular notification procedures of the Com-
5 mittees on Appropriations.

6 FUNDS APPROPRIATED TO THE PRESIDENT

7 INTERNATIONAL MILITARY EDUCATION AND TRAINING

8 For necessary expenses to carry out the provisions
9 of section 541 of the Foreign Assistance Act of 1961,
10 \$105,788,000: *Provided*, That the civilian personnel for
11 whom military education and training may be provided
12 under this heading may include civilians who are not mem-
13 bers of a government whose participation would contribute
14 to improved civil-military relations, civilian control of the
15 military, or respect for human rights: *Provided further*,
16 That funds made available under this heading for assist-
17 ance for Angola, Bahrain, Bangladesh, Cameroon, Central
18 African Republic, Chad, Côte d'Ivoire, Democratic Repub-
19 lic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, In-
20 donesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka
21 may only be provided through the regular notification pro-
22 cedures of the Committees on Appropriations and any
23 such notification shall include a detailed description of
24 proposed activities: *Provided further*, That of the funds ap-

1 appropriated under this heading, not to exceed \$55,000 may
2 be available for entertainment allowances.

3 FOREIGN MILITARY FINANCING PROGRAM
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for grants to enable the
6 President to carry out the provisions of section 23 of the
7 Arms Export Control Act, \$5,346,000,000: *Provided*,
8 That to expedite the provision of assistance to foreign
9 countries and international organizations, the Secretary of
10 State, following consultation with the Committees on Ap-
11 propriations and subject to the regular notification proce-
12 dures of such Committees, may use the funds appro-
13 priated under this heading to procure defense articles and
14 services to enhance the capacity of foreign security forces:
15 *Provided further*, That of the funds appropriated under
16 this heading, not less than \$3,075,000,000 shall be avail-
17 able for grants only for Israel, and up to \$1,300,000,000
18 shall be made available for grants only for Egypt, includ-
19 ing for border security programs and activities in the
20 Sinai: *Provided further*, That prior to the obligation of
21 funds appropriated under this heading for assistance for
22 Egypt, the Secretary of State shall certify to the Commit-
23 tees on Appropriations that the Governments of the
24 United States and Egypt have agreed upon the specific
25 uses of such funds, that such funds further the national

1 interests of the United States in Egypt and the region,
2 and that the Government of Egypt has held free and fair
3 elections and is implementing policies to protect the rights
4 of journalists, due process, and freedoms of expression and
5 association: *Provided further*, That the funds appropriated
6 under this heading for assistance for Israel shall be dis-
7 bursed within 30 days of enactment of this Act: *Provided*
8 *further*, That to the extent that the Government of Israel
9 requests that funds be used for such purposes, grants
10 made available for Israel under this heading shall, as
11 agreed by the United States and Israel, be available for
12 advanced weapons systems, of which not less than
13 \$808,725,000 shall be available for the procurement in
14 Israel of defense articles and defense services, including
15 research and development: *Provided further*, That funds
16 appropriated under this heading estimated to be outlayed
17 for Egypt during fiscal year 2012 may be transferred to
18 an interest bearing account for Egypt in the Federal Re-
19 serve Bank of New York within 30 days of enactment of
20 this Act: *Provided further*, That of the funds appropriated
21 under this heading, \$300,000,000 shall be made available
22 for assistance for Jordan: *Provided further*, That none of
23 the funds made available under this heading shall be made
24 available to support or continue any program initially
25 funded under the authority of section 1206 of the National

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

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

1 unexploded ordnance, and related activities, and may in-
2 clude activities implemented through nongovernmental
3 and international organizations: *Provided further*, That
4 none of the funds appropriated under this heading may
5 be made available for assistance for Nepal, Sri Lanka,
6 Pakistan, Bangladesh, Bahrain, Philippines, Indonesia,
7 Haiti, Guatemala, Honduras, Ethiopia, Cambodia, Kenya,
8 Chad, and the Democratic Republic of the Congo except
9 pursuant to the regular notification procedures of the
10 Committees on Appropriations: *Provided further*, That
11 only those countries for which assistance was justified for
12 the “Foreign Military Sales Financing Program” in the
13 fiscal year 1989 congressional presentation for security as-
14 sistance programs may utilize funds made available under
15 this heading for procurement of defense articles, defense
16 services or design and construction services that are not
17 sold by the United States Government under the Arms
18 Export Control Act: *Provided further*, That funds appro-
19 priated under this heading shall be expended at the min-
20 imum rate necessary to make timely payment for defense
21 articles and services: *Provided further*, That not more than
22 \$62,800,000 of the funds appropriated under this heading
23 may be obligated for necessary expenses, including the
24 purchase of passenger motor vehicles for replacement only
25 for use outside of the United States, for the general costs

1 of administering military assistance and sales, except that
2 this limitation may be exceeded only through the regular
3 notification procedures of the Committees on Appropria-
4 tions: *Provided further*, That of the funds appropriated
5 under this heading for general costs of administering mili-
6 tary assistance and sales, not to exceed \$4,000 may be
7 available for entertainment expenses and not to exceed
8 \$130,000 may be available for representation allowances:
9 *Provided further*, That not more than \$836,900,000 of
10 funds realized pursuant to section 21(e)(1)(A) of the Arms
11 Export Control Act may be obligated for expenses incurred
12 by the Department of Defense during fiscal year 2012
13 pursuant to section 43(b) of the Arms Export Control Act,
14 except that this limitation may be exceeded only through
15 the regular notification procedures of the Committees on
16 Appropriations: *Provided further*, That, with respect to the
17 previous proviso, up to \$100,000,000 of such funds may
18 be transferred to the Special Defense Acquisition Fund
19 pursuant to section 51 of the Arms Export Control Act.

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, \$352,950,000: *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 payment to the International Bank for Recon-
9 struction and Development as trustee for the Global Envi-
10 ronment Facility by the Secretary of the Treasury,
11 \$120,000,000, to remain available until expended.

12 CONTRIBUTION TO THE INTERNATIONAL BANK FOR

13 RECONSTRUCTION AND DEVELOPMENT

14 For payment to the International Bank for Recon-
15 struction and Development by the Secretary of the Treas-
16 ury, for the United States share of the paid-in portion of
17 the increases in capital stock, \$117,364,344, to remain
18 available until expended.

19 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

20 The United States Governor of the International
21 Bank for Reconstruction and Development may subscribe
22 without fiscal year limitation to the callable capital portion
23 of the United States share of increases in capital stock
24 in an amount not to exceed \$2,928,990,899.

1 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
2 ASSOCIATION

3 For payment to the International Development Asso-
4 ciation by the Secretary of the Treasury, \$1,355,000,000,
5 to remain available until expended.

6 For payment to the International Development Asso-
7 ciation by the Secretary of the Treasury for costs incurred
8 under the Multilateral Debt Relief Initiative,
9 \$167,000,000, to remain available until expended.

10 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

11 For payment to the International Bank for Recon-
12 struction and Development as trustee for the Clean Tech-
13 nology Fund by the Secretary of the Treasury,
14 \$350,000,000, to remain available until expended.

15 CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

16 For payment to the International Bank for Recon-
17 struction and Development as trustee for the Strategic
18 Climate Fund by the Secretary of the Treasury,
19 \$100,000,000, to remain available until expended.

20 GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

21 For payment to the Global Agriculture and Food Se-
22 curity Program by the Secretary of the Treasury,
23 \$200,000,000, to remain available until expended.

1 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
2 BANK

3 For payment to the Inter-American Development
4 Bank by the Secretary of the Treasury for the United
5 States share of the paid-in portion of the increase in cap-
6 ital stock, \$25,000,000, to remain available until ex-
7 pended.

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

11 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

12 The United States Governor of the Inter-American
13 Development Bank may subscribe without fiscal year limi-
14 tation to the callable capital portion of the United States
15 share of such capital stock in an amount not to exceed
16 \$4,098,794,833.

17 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
18 MULTILATERAL INVESTMENT FUND

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

22 CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

23 For payment to the Asian Development Bank by the
24 Secretary of the Treasury for the United States share of

1 the paid-in portion of increase in capital stock,
2 \$106,586,000, to remain available until expended.

3 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

4 The United States Governor of the Asian Develop-
5 ment Bank may subscribe without fiscal year limitation
6 to the callable capital portion of the United States share
7 of such capital stock in an amount not to exceed
8 \$2,558,048,769.

9 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

10 For payment to the Asian Development Bank's Asian
11 Development Fund by the Secretary of the Treasury,
12 \$100,000,000, to remain available until expended.

13 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

14 For payment to the African Development Bank by
15 the Secretary of the Treasury for the United States share
16 of the paid-in portion of the increase in capital stock,
17 \$32,417,720, to remain available until expended.

18 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

19 The United States Governor of the African Develop-
20 ment Bank may subscribe without fiscal year limitation
21 to the callable capital portion of the United States share
22 of such capital stock in an amount not to exceed
23 \$507,860,808.

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$4,000,000, to remain
8 available until September 30, 2013.

9 PROGRAM ACCOUNT

10 The Export-Import Bank of the United States is au-
11 thorized to make such expenditures within the limits of
12 funds and borrowing authority available to such corpora-
13 tion, and in accordance with law, and to make such con-
14 tracts and commitments without regard to fiscal year limi-
15 tations, as provided by section 104 of the Government
16 Corporation Control Act, as may be necessary in carrying
17 out the program for the current fiscal year for such cor-
18 poration: *Provided*, That none of the funds available dur-
19 ing the current fiscal year may be used to make expendi-
20 tures, contracts, or commitments for the export of nuclear
21 equipment, fuel, or technology to any country, other than
22 a nuclear-weapon state as defined in Article IX of the
23 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
24 ble to receive economic or military assistance under this
25 Act, that has detonated a nuclear explosive after the date

1 of the enactment of this Act: *Provided further*, That the
2 use of the aggregate loan, guarantee, and insurance au-
3 thority available to the Export-Import Bank during the
4 current fiscal year should not result in greenhouse gas
5 emissions from the extraction or production of fossil fuels
6 and the use of fossil fuels in electricity generation exceed-
7 ing the total amount of such emissions resulting from the
8 use of such authority during fiscal year 2010, unless not
9 less than 15 days prior to the use of such authority the
10 Export-Import Bank provides written notification to the
11 Committees on Appropriations that the use of such au-
12 thority would result in greenhouse gas emissions exceeding
13 such amount and indicating the amount of the increase,
14 and posts such notification on the Bank's Web site: *Pro-*
15 *vided further*, That not less than 10 percent of such aggre-
16 gate should be used for renewable energy technology and
17 end-use energy efficiency technologies: *Provided further*,
18 That notwithstanding section 1(c) of Public Law 103-
19 428, as amended, sections 1(a) and (b) of Public Law
20 103-428 shall remain in effect through October 1, 2012:
21 *Provided further*, That notwithstanding the dates specified
22 in section 7 of the Export-Import Bank Act of 1945 (12
23 U.S.C. 6350 and section 1(c) of Public Law 103-428),
24 the Export-Import Bank of the United States shall con-
25 tinue to exercise its functions in connection with and in

1 furtherance of its objects and purposes through September
2 30, 2012.

3
4 SUBSIDY APPROPRIATION

5 For the cost of direct loans, loan guarantees, insur-
6 ance, and tied-aid grants as authorized by section 10 of
7 the Export-Import Bank Act of 1945, as amended, not
8 to exceed \$58,000,000: *Provided*, That such costs, includ-
9 ing the cost of modifying such loans, shall be as defined
10 in section 502 of the Congressional Budget Act of 1974:
11 *Provided further*, That such funds shall remain available
12 until September 30, 2027, for the disbursement of direct
13 loans, loan guarantees, insurance and tied-aid grants obli-
14 gated in fiscal years 2012, 2013, 2014, and 2015: *Pro-*
15 *vided further*, That none of the funds appropriated by this
16 Act or any prior Acts appropriating funds for the Depart-
17 ment of State, foreign operations, and related programs
18 for tied-aid credits or grants may be used for any other
19 purpose except through the regular notification procedures

20
21 ADMINISTRATIVE EXPENSES

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

1 Board of Directors, not to exceed \$89,900,000: *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, 2012:
10 *Provided further*, That the Export-Import Bank shall
11 charge fees for necessary expenses (including special serv-
12 ices performed on a contract or fee basis, but not including
13 other personal services) in connection with the collection
14 of moneys owed the Export-Import Bank, repossession or
15 sale of pledged collateral or other assets acquired by the
16 Export-Import Bank in satisfaction of moneys owed the
17 Export-Import Bank, or the investigation or appraisal of
18 any property, or the evaluation of the legal, financial, or
19 technical aspects of any transaction for which an applica-
20 tion for a loan, guarantee or insurance commitment has
21 been made: *Provided further*, That, in addition to other
22 funds appropriated for administrative expenses, such fees
23 shall be credited to this account, to remain available until
24 expended.

1 RECEIPTS COLLECTED

2 Receipts collected pursuant to the Export-Import
3 Bank Act of 1945, as amended, and the Federal Credit
4 Reform Act of 1990, as amended, in an amount not to
5 exceed the amount appropriated herein, shall be credited
6 as offsetting collections to this account: *Provided*, That the
7 sums herein appropriated from the General Fund shall be
8 reduced on a dollar-for-dollar basis by such offsetting col-
9 lections so as to result in a final fiscal year appropriation
10 from the General Fund estimated at \$0: *Provided further*,
11 That amounts collected in fiscal year 2012 in excess of
12 obligations, up to \$50,000,000, shall become available on
13 September 1, 2012 and shall remain available until Sep-
14 tember 30, 2015.

15 OVERSEAS PRIVATE INVESTMENT CORPORATION

16 NONCREDIT ACCOUNT

17 The Overseas Private Investment Corporation is au-
18 thorized to make, without regard to fiscal year limitations,
19 as provided by 31 U.S.C. 9104, such expenditures and
20 commitments within the limits of funds available to it and
21 in accordance with law as may be necessary: *Provided*,
22 That the amount available for administrative expenses to
23 carry out the credit and insurance programs (including an
24 amount for official reception and representation expenses
25 which shall not exceed \$35,000) shall not exceed

1 \$54,990,000: *Provided further*, That project-specific trans-
2 action costs, including direct and indirect costs incurred
3 in claims settlements, and other direct costs associated
4 with services provided to specific investors or potential in-
5 vestors pursuant to section 234 of the Foreign Assistance
6 Act of 1961, shall not be considered administrative ex-
7 penses for the purposes of this heading.

8 PROGRAM ACCOUNT

9 For the cost of direct and guaranteed loans,
10 \$29,000,000, as authorized by section 234 of the Foreign
11 Assistance Act of 1961, to be derived by transfer from
12 the Overseas Private Investment Corporation Noncredit
13 Account: *Provided*, That such costs, including the cost of
14 modifying such loans, shall be as defined in section 502
15 of the Congressional Budget Act of 1974: *Provided fur-*
16 *ther*, That such sums shall be available for direct loan obli-
17 gations and loan guaranty commitments incurred or made
18 during fiscal years 2012, 2013, and 2014: *Provided fur-*
19 *ther*, That funds so obligated in fiscal year 2012 remain
20 available for disbursement through 2020; funds obligated
21 in fiscal year 2013 remain available for disbursement
22 through 2021; and funds obligated in fiscal year 2014 re-
23 main available for disbursement through 2022: *Provided*
24 *further*, That notwithstanding any other provision of law,
25 the Overseas Private Investment Corporation is authorized

1 to undertake any program authorized by title IV of chap-
2 ter 2 of part I of the Foreign Assistance Act of 1961 in
3 Iraq: *Provided further*, That funds made available pursu-
4 ant to the authority of the previous proviso shall be subject
5 to the regular notification procedures of the Committees
6 on Appropriations.

7 In addition, such sums as may be necessary for ad-
8 ministrative expenses to carry out the credit program may
9 be derived from amounts available for administrative ex-
10 penses to carry out the credit and insurance programs in
11 the Overseas Private Investment Corporation Noncredit
12 Account and merged with said account.

13 TRADE AND DEVELOPMENT AGENCY

14 For necessary expenses to carry out the provisions
15 of section 661 of the Foreign Assistance Act of 1961,
16 \$50,000,000, to remain available until September 30,
17 2013: *Provided*, That of the funds appropriated under this
18 heading, not more than \$4,000 may be available for rep-
19 resentation and entertainment allowances.

20 TITLE VII

21 GENERAL PROVISIONS

22 ALLOWANCES AND DIFFERENTIALS

23 SEC. 7001. Funds appropriated under title I of this
24 Act shall be available, except as otherwise provided, for
25 allowances and differentials as authorized by subchapter

1 59 of title 5, United States Code; for services as author-
2 ized by 5 U.S.C. 3109; and for hire of passenger transpor-
3 tation pursuant to 31 U.S.C. 1343(b).

4 UNOBLIGATED BALANCES REPORT

5 SEC. 7002. Any department or agency of the United
6 States Government to which funds are appropriated or
7 otherwise made available by this Act shall provide to the
8 Committees on Appropriations a quarterly accounting of
9 cumulative unobligated balances and obligated, but unex-
10 pended, balances by program, project, and activity, and
11 Treasury Account Fund Symbol of all expired and unex-
12 pired funds received by such department or agency in fis-
13 cal year 2012 or any previous fiscal year: *Provided*, That
14 for the purposes of this section, obligated balances shall
15 not include obligations made through bilateral agreements
16 unless further sub-obligated.

17 CONSULTING SERVICES

18 SEC. 7003. The expenditure of any appropriation
19 under title I of this Act for any consulting service through
20 procurement contract, pursuant to 5 U.S.C. 3109, shall
21 be limited to those contracts where such expenditures are
22 a matter of public record and available for public inspec-
23 tion, except where otherwise provided under existing law,
24 or under existing Executive order issued pursuant to exist-
25 ing law.

1 EMBASSY CONSTRUCTION

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

17 (b) Notwithstanding the prohibition in subsection (a),
18 a project to construct a diplomatic facility of the United
19 States may include office space or other accommodations
20 for members of the United States Marine Corps.

21 (c) For the purposes of calculating the fiscal year
22 2012 costs of providing new United States diplomatic fa-
23 cilities in accordance with section 604(e) of the Secure
24 Embassy Construction and Counterterrorism Act of 1999
25 (22 U.S.C. 4865 note), the Secretary of State, in consulta-

1 tion with the Director of the Office of Management and
2 Budget, shall determine the annual program level and
3 agency shares in a manner that is proportional to the De-
4 partment of State's contribution for this purpose.

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

12 (e) Section 604(e)(1) of the Secure Embassy Con-
13 struction and Counterterrorism Act of 1999 (22 U.S.C.
14 4865 note) is amended by striking "providing new," and
15 inserting in its place "providing, maintaining, repairing,
16 and renovating".

17 PERSONNEL ACTIONS

18 SEC. 7005. Any costs incurred by a department or
19 agency funded under title I of this Act resulting from per-
20 sonnel actions taken in response to funding reductions in-
21 cluded in this Act shall be absorbed within the total budg-
22 etary resources available under title I to such department
23 or agency: *Provided*, That the authority to transfer funds
24 between appropriations accounts as may be necessary to
25 carry out this section is provided in addition to authorities

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

7 LOCAL GUARD CONTRACTS

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

1 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
2 COUNTRIES

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

11 COUPS D'ÉTAT

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

1 That funds made available pursuant to the previous pro-
2 visos shall be subject to the regular notification procedures
3 of the Committees on Appropriations.

4 TRANSFER AUTHORITY

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

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

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

21 (3) Any transfer pursuant to this section shall
22 be treated as a reprogramming of funds under sec-
23 tion 7015(a) and (b) of this Act and shall not be
24 available for obligation or expenditure except in com-
25 pliance with the procedures set forth in that section.

1 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
2 Not to exceed 5 percent of any appropriation other than
3 for administrative expenses made available for fiscal year
4 2012, for programs under title VI of this Act may be
5 transferred between such appropriations for use for any
6 of the purposes, programs, and activities for which the
7 funds in such receiving account may be used, but no such
8 appropriation, except as otherwise specifically provided,
9 shall be increased by more than 25 percent by any such
10 transfer: *Provided*, That the exercise of such authority
11 shall be subject to the regular notification procedures of
12 the Committees on Appropriations.

13 (c) LIMITATION ON TRANSFERS BETWEEN AGEN-
14 CIES.—

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

21 (2) Notwithstanding paragraph (1), in addition
22 to transfers made by, or authorized elsewhere in,
23 this Act, funds appropriated by this Act to carry out
24 the purposes of the Foreign Assistance Act of 1961
25 may be allocated or transferred to agencies of the

1 United States Government pursuant to the provi-
2 sions of sections 109, 610, and 632 of the Foreign
3 Assistance Act of 1961.

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

21 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
22 funds made available under titles II through V of this Act
23 may be obligated under an appropriation account to which
24 they were not appropriated, except for transfers specifi-
25 cally provided for in this Act, unless the President, not

1 less than 5 days prior to the exercise of any authority con-
2 tained in the Foreign Assistance Act of 1961 to transfer
3 funds, consults with and provides a written policy jus-
4 tification to the Committees on Appropriations.

5 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
6 agreement for the transfer or allocation of funds appro-
7 priated by this Act, or prior Acts, entered into between
8 the Department of State or USAID and another agency
9 of the United States Government under the authority of
10 section 632(a) of the Foreign Assistance Act of 1961 or
11 any comparable provision of law, shall expressly provide
12 that the Inspector General (IG) for the agency receiving
13 the transfer or allocation of such funds, or other entity
14 with audit responsibility if the receiving agency does not
15 have an IG, shall perform periodic program and financial
16 audits of the use of such funds: *Provided*, That funds
17 transferred under such authority may be made available
18 for the cost of such audits.

19 REPORTING REQUIREMENT

20 SEC. 7010. The Secretary of State shall provide the
21 Committees on Appropriations, not later than April 1,
22 2012, and for each fiscal quarter, a report in writing on
23 the uses of funds made available under the headings “For-
24 eign Military Financing Program”, “International Mili-
25 tary Education and Training”, “Peacekeeping Oper-

1 ations”, and “Pakistan Counter-Insurgency Fund”: *Pro-*
2 *vided*, That such report shall include a description of the
3 obligation and expenditure of funds, and the specific coun-
4 try in receipt of, and the use or purpose of the assistance
5 provided by such funds.

6 AVAILABILITY OF FUNDS

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

1 dress balance of payments or economic policy reform ob-
2 jectives, shall remain available for an additional 4 years
3 from the date on which the availability of such funds
4 would otherwise have expired, if such funds are initially
5 allocated or obligated before the expiration of their respec-
6 tive periods of availability contained in this Act.

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

19 PROHIBITION ON TAXATION OF UNITED STATES
20 ASSISTANCE

21 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
22 of the funds appropriated under titles III through VI of
23 this Act may be made available to provide assistance for
24 a foreign country under a new bilateral agreement gov-
25 erning the terms and conditions under which such assist-

1 ance is to be provided unless such agreement includes a
2 provision stating that assistance provided by the United
3 States shall be exempt from taxation, or reimbursed, by
4 the foreign government, and the Secretary of State shall
5 expeditiously seek to negotiate amendments to existing bi-
6 lateral agreements, as necessary, to conform with this re-
7 quirement.

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

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

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

7 (e) DETERMINATIONS.—

8 (1) The provisions of this section shall not
9 apply to any country or entity the Secretary of State
10 determines—

11 (A) does not assess taxes on United States
12 assistance or which has an effective arrange-
13 ment that is providing substantial reimburse-
14 ment of such taxes; or

15 (B) the foreign policy interests of the
16 United States outweigh the purpose of this sec-
17 tion to ensure that United States assistance is
18 not subject to taxation.

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

23 (f) IMPLEMENTATION.—The Secretary of State shall
24 issue rules, regulations, or policy guidance, as appropriate,

1 to implement the prohibition against the taxation of assist-
2 ance contained in this section.

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

4 (1) the terms “taxes” and “taxation” refer to
5 value added taxes and customs duties imposed on
6 commodities financed with United States assistance
7 for programs for which funds are appropriated by
8 this Act; and

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

20 RESERVATIONS OF FUNDS

21 SEC. 7014. (a) Funds appropriated under titles II
22 through VI of this Act which are specifically designated
23 may be reprogrammed for other programs within the same
24 account notwithstanding the designation if compliance
25 with the designation is made impossible by operation of

1 any provision of this or any other Act: *Provided*, That any
2 such reprogramming shall be subject to the regular notifi-
3 cation procedures of the Committees on Appropriations:
4 *Provided further*, That assistance that is reprogrammed
5 pursuant to this subsection shall be made available under
6 the same terms and conditions as originally provided.

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

22 (c) Ceilings and specifically designated funding levels
23 contained in this Act shall not be applicable to funds or
24 authorities appropriated or otherwise made available by
25 any subsequent Act unless such Act specifically so directs:

1 *Provided*, That specifically designated funding levels or
2 minimum funding requirements contained in any other
3 Act shall not be applicable to funds appropriated by this
4 Act.

5 REPROGRAMMING NOTIFICATION REQUIREMENTS

6 SEC. 7015. (a) None of the funds made available in
7 title I of this Act, or in prior appropriations Acts to the
8 agencies and departments funded by this Act that remain
9 available for obligation or expenditure in fiscal year 2012,
10 or provided from any accounts in the Treasury of the
11 United States derived by the collection of fees or of cur-
12 rency reflows or other offsetting collections, or made avail-
13 able by transfer, to the agencies and departments funded
14 by this Act, shall be available for obligation or expenditure
15 through a reprogramming of funds that:

- 16 (1) creates new programs;
- 17 (2) eliminates a program, project, or activity;
- 18 (3) increases funds or personnel by any means
19 for any project or activity for which funds have been
20 denied or restricted;
- 21 (4) relocates an office or employees;
- 22 (5) closes or opens a mission or post;
- 23 (6) creates, reorganizes, or renames bureaus,
24 centers, or offices;
- 25 (7) reorganizes programs or activities; or

1 (8) contracts out or privatizes any functions or
2 activities presently performed by Federal employees;
3 unless the Committees on Appropriations are noti-
4 fied 15 days in advance of such reprogramming of
5 funds.

6 (b) None of the funds provided under title I of this
7 Act, or provided under previous appropriations Acts to the
8 agency or department funded under title I of this Act that
9 remain available for obligation or expenditure in fiscal
10 year 2012, or provided from any accounts in the Treasury
11 of the United States derived by the collection of fees avail-
12 able to the agency or department funded under title I of
13 this Act, shall be available for obligation or expenditure
14 for activities, programs, or projects through a reprogram-
15 ming of funds in excess of \$1,000,000 or 10 percent,
16 whichever is less, that:

17 (1) augments existing programs, projects, or ac-
18 tivities;

19 (2) reduces by 10 percent funding for any exist-
20 ing program, project, or activity, or numbers of per-
21 sonnel by 10 percent as approved by Congress; or

22 (3) results from any general savings, including
23 savings from a reduction in personnel, which would
24 result in a change in existing programs, activities, or
25 projects as approved by Congress; unless the Com-

1 mittees on Appropriations are notified 15 days in
2 advance of such reprogramming of funds.

3 (c) None of the funds made available under titles II
4 through VI and VIII in this Act under the headings
5 “Global Health Programs”, “Development Assistance”,
6 “International Organizations and Programs”, “Trade and
7 Development Agency”, “International Narcotics Control
8 and Law Enforcement”, “Assistance for Europe, Eurasia
9 and Central Asia”, “Economic Support Fund”, “Democ-
10 racy Fund”, “Peacekeeping Operations”, “Capital Invest-
11 ment Fund”, “Operating Expenses”, “Conflict Stabiliza-
12 tion Operations”, “Office of Inspector General”, “Non-
13 proliferation, Anti-terrorism, Demining and Related Pro-
14 grams”, “Millennium Challenge Corporation”, “Global Se-
15 curity Contingency Fund”, “Foreign Military Financing
16 Program”, “International Military Education and Train-
17 ing”, “Pakistan Counter-Insurgency Capability Fund”,
18 and “Peace Corps”, shall be available for obligation for
19 activities, programs, projects, type of materiel assistance,
20 countries, or other operations not justified or in excess of
21 the amount justified to the Committees on Appropriations
22 for obligation under any of these specific headings unless
23 the Committees on Appropriations are notified 15 days in
24 advance: *Provided*, That the President shall not enter into
25 any commitment of funds appropriated for the purposes

1 of section 23 of the Arms Export Control Act for the pro-
2 vision of major defense equipment, other than conven-
3 tional ammunition, or other major defense items defined
4 to be aircraft, ships, missiles, or combat vehicles, not pre-
5 viously justified to Congress or 20 percent in excess of
6 the quantities justified to Congress unless the Committees
7 on Appropriations are notified 15 days in advance of such
8 commitment: *Provided further*, That requirements of this
9 subsection or any similar provision of this or any other
10 Act shall not apply to any reprogramming for an activity,
11 program, or project for which funds are appropriated
12 under titles II through IV of this Act of less than 10 per-
13 cent of the amount previously justified to the Congress
14 for obligation for such activity, program, or project for the
15 current fiscal year.

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

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

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

17 (f) None of the funds appropriated under titles III
18 through VI and VIII of this Act shall be obligated or ex-
19 pended for assistance for Serbia, Sudan, South Sudan,
20 Zimbabwe, Afghanistan, Pakistan, Cuba, Iran, Haiti,
21 Libya, Ethiopia, Nepal, Colombia, Burma, Yemen, Mex-
22 ico, Kazakhstan, Uzbekistan, Somalia, Sri Lanka, or
23 Cambodia except as provided through the regular notifica-
24 tion procedures of the Committees on Appropriations.

1 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

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

21 LIMITATION ON AVAILABILITY OF FUNDS FOR

22 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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

1 Acts making appropriations for the Department of State,
2 foreign operations, and related programs, which are re-
3 turned or not made available for organizations and pro-
4 grams because of the implementation of section 307(a) of
5 the Foreign Assistance Act of 1961, shall remain available
6 for obligation until September 30, 2013.

7 PROHIBITION ON FUNDING FOR ABORTIONS AND
8 INVOLUNTARY STERILIZATION

9 SEC. 7018. None of the funds made available to carry
10 out part I of the Foreign Assistance Act of 1961, as
11 amended, may be obligated or expended for any country
12 or organization if the President certifies that the use of
13 such funds by any such country or organization would vio-
14 late any provisions related to abortions and involuntary
15 sterilizations in section 104(f)(1), (2), and (3) of such Act.

16 ALLOCATIONS

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

21 (b) For the purposes of implementing this section and
22 only with respect to the tables included in the report ac-
23 companying this Act, the Secretary of State, the Adminis-
24 trator of the United States Agency for International De-
25 velopment and the Broadcasting Board of Governors, as

1 appropriate, may propose deviations to the amounts ref-
2 erenced in subsection (a), subject to the regular notifica-
3 tion procedures of the Committees on Appropriations.

4 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

5 SEC. 7020. None of the funds appropriated or other-
6 wise made available by this Act under the headings “Inter-
7 national Military Education and Training” or “Foreign
8 Military Financing Program” for Informational Program
9 activities or under the headings “Global Health Pro-
10 grams”, “Development Assistance”, and “Economic Sup-
11 port Fund” may be obligated or expended to pay for—

12 (1) alcoholic beverages; or

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

18 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

19 SUPPORTING INTERNATIONAL TERRORISM

20 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
21 PORTS.—

22 (1) None of the funds appropriated or otherwise
23 made available by titles III through VI of this Act
24 may be available to any foreign government which
25 provides lethal military equipment to a country the

1 government of which the Secretary of State has de-
2 termined supports international terrorism for pur-
3 poses of section 6(j) of the Export Administration
4 Act of 1979: *Provided*, That the prohibition under
5 this section with respect to a foreign government
6 shall terminate 12 months after that government
7 ceases to provide such military equipment: *Provided*
8 *further*, That this section applies with respect to le-
9 thal military equipment provided under a contract
10 entered into after October 1, 1997.

11 (2) Assistance restricted by paragraph (1) or
12 any other similar provision of law, may be furnished
13 if the President determines that to do so is impor-
14 tant to the national interests of the United States.

15 (3) Whenever the President makes a determina-
16 tion pursuant to paragraph (2), the President shall
17 submit to the Committees on Appropriations a re-
18 port with respect to the furnishing of such assist-
19 ance, including a detailed explanation of the assist-
20 ance to be provided, the estimated dollar amount of
21 such assistance, and an explanation of how the as-
22 sistance furthers United States national interests.

23 (b) BILATERAL ASSISTANCE.—

24 (1) Funds appropriated for bilateral assistance
25 in titles III through VI of this Act and funds appro-

1 appropriated under any such title in prior acts making ap-
2 propriations for the Department of State, foreign
3 operations, and related programs, shall not be made
4 available to any foreign government which the Presi-
5 dent determines—

6 (A) grants sanctuary from prosecution to
7 any individual or group which has committed
8 an act of international terrorism; or

9 (B) otherwise supports international ter-
10 rorism.

11 (2) The President may waive the application of
12 paragraph (1) to a government if the President de-
13 termines that national security or humanitarian rea-
14 sons justify such waiver: *Provided*, That the Presi-
15 dent shall publish each such waiver in the Federal
16 Register and, at least 15 days before the waiver
17 takes effect, shall notify the Committees on Appro-
18 priations of the waiver (including the justification
19 for the waiver) in accordance with the regular notifi-
20 cation procedures of the Committees on Appropria-
21 tions.

22 AUTHORIZATION REQUIREMENTS

23 SEC. 7022. Funds appropriated by this Act, except
24 funds appropriated under the heading “Trade and Devel-
25 opment Agency”, may be obligated and expended notwith-

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

7 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

8 SEC. 7023. For the purpose of titles II through VI
9 of this Act “program, project, and activity” shall be de-
10 fined at the appropriations Act account level and shall in-
11 clude all appropriations and authorizations Acts funding
12 directives, ceilings, and limitations with the exception that
13 for the following accounts: “Economic Support Fund” and
14 “Foreign Military Financing Program”, “program,
15 project, and activity” shall also be considered to include
16 country, regional, and central program level funding with-
17 in each such account; for the development assistance ac-
18 counts of the United States Agency for International De-
19 velopment “program, project, and activity” shall also be
20 considered to include central, country, regional, and pro-
21 gram level funding, either as:

22 (1) justified to the Congress; or

23 (2) allocated by the executive branch in accord-
24 ance with a report, to be provided to the Committees
25 on Appropriations within 30 days of the enactment

1 of this Act, as required by section 653(a) of the For-
2 eign Assistance Act of 1961.

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

5 SEC. 7024. Unless expressly provided to the contrary,
6 provisions of this or any other Act, including provisions
7 contained in prior Acts authorizing or making appropria-
8 tions for the Department of State, foreign operations, and
9 related programs, shall not be construed to prohibit activi-
10 ties authorized by or conducted under the Peace Corps
11 Act, the Inter-American Foundation Act or the African
12 Development Foundation Act: *Provided*, That the agency
13 shall promptly report to the Committees on Appropria-
14 tions whenever it is conducting activities or is proposing
15 to conduct activities in a country for which assistance is
16 prohibited.

17 COMMERCE, TRADE AND SURPLUS COMMODITIES

18 SEC. 7025. (a) None of the funds appropriated or
19 made available pursuant to titles III through VI of this
20 Act for direct assistance and none of the funds otherwise
21 made available to the Export-Import Bank and the Over-
22 seas Private Investment Corporation shall be obligated or
23 expended to finance any loan, any assistance or any other
24 financial commitments for establishing or expanding pro-
25 duction of any commodity for export by any country other

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

14 (1) activities in a country that is eligible for as-
15 sistance from the International Development Asso-
16 ciation, is not eligible for assistance from the Inter-
17 national Bank for Reconstruction and Development,
18 and does not export on a consistent basis the agri-
19 cultural commodity with respect to which assistance
20 is furnished; or

21 (2) activities in a country the President deter-
22 mines is recovering from widespread conflict, a hu-
23 manitarian crisis, or a complex emergency.

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;

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

15 (3) activities in a country that is eligible for as-
16 sistance from the International Development Asso-
17 ciation, is not eligible for assistance from the Inter-
18 national Bank for Reconstruction and Development,
19 and does not export on a consistent basis the agri-
20 cultural commodity with respect to which assistance
21 is furnished; or

22 (4) activities in a country the President deter-
23 mines is recovering from widespread conflict, a hu-
24 manitarian crisis, or a complex emergency.

1 SEPARATE ACCOUNTS

2 SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL
3 CURRENCIES.—

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

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

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

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

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

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

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

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

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

12 (ii) debt and deficit financing; or

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

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

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

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

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

17 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

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

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

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

1 ELIGIBILITY FOR ASSISTANCE

2 SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-
3 MENTAL ORGANIZATIONS.—Section 123 of the Foreign
4 Assistance Act of 1961 (22 U.S.C. 2151u) is amended by
5 adding the following new subsection at the end:

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

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

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

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

22 “(3) This subsection shall not apply—

23 “(A) with respect to section 620A of this Act
24 or any comparable provision of law prohibiting as-

1 sistance to governments that support international
2 terrorism; or

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

7 “(4) Nothing in this subsection shall be construed to
8 alter any existing statutory prohibitions against abortion
9 or involuntary sterilization contained in this or any other
10 Act.”.

11 (b) PUBLIC LAW 480.—During fiscal year 2012, re-
12 strictions contained in this or any other Act with respect
13 to assistance for a country shall not be construed to re-
14 strict assistance under the Food for Peace Act (Public
15 Law 83–480, as amended): *Provided*, That none of the
16 funds appropriated to carry out title I of such Act and
17 made available pursuant to this subsection may be obli-
18 gated or expended except as provided through the regular
19 notification procedures of the Committees on Appropria-
20 tions.

21 IMPACT ON JOBS IN THE UNITED STATES

22 SEC. 7028. None of the funds appropriated under ti-
23 tles III through VI of this Act may be obligated or ex-
24 pended to provide—

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

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

21 INTERNATIONAL FINANCIAL INSTITUTIONS

22 SEC. 7029. (a) None of the funds appropriated under
23 title V of this Act may be made as payment to any inter-
24 national financial institution while the United States exec-
25 utive director to such institution is compensated by the

1 institution at a rate which, together with whatever com-
2 pensation such executive director receives from the United
3 States, is in excess of the rate provided for an individual
4 occupying a position at level IV of the Executive Schedule
5 under section 5315 of title 5, United States Code, or while
6 any alternate United States executive director to such in-
7 stitution is compensated by the institution at a rate in
8 excess of the rate provided for an individual occupying a
9 position at level V of the Executive Schedule under section
10 5316 of title 5, United States Code.

11 (b) Of the funds appropriated under title V of this
12 Act that are available for payments to international finan-
13 cial institutions, 10 percent should not be obligated for
14 any such institution until the Secretary of the Treasury
15 reports to the Committees on Appropriations that the in-
16 stitution is implementing effective practices to protect
17 whistleblowers (including the institution's employees and
18 others affected by the institution's operations) from retal-
19 iation for internal and lawful public disclosures, includ-
20 ing—

- 21 (1) best practices for legal burdens of proof;
- 22 (2) access to independent adjudicative bodies,
23 including external arbitration based on consensus se-
24 lection and shared costs;

1 (3) results that eliminate the effects of proven
2 retaliation; and

3 (4) a minimum of a 6-month statute of limita-
4 tions for reporting retaliation.

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

14 (d) The Secretary of the Treasury shall instruct the
15 United States Executive Director of the International
16 Monetary Fund (the Fund) to use the voice and vote of
17 the United States to oppose any loan, project, agreement,
18 memorandum, instrument, plan, or other program of the
19 Fund to a Heavily Indebted Poor Country that imposes
20 budget caps or restraints that do not allow the mainte-
21 nance of or an increase in governmental spending on
22 healthcare or education; and to promote government
23 spending on healthcare, education, agriculture and food
24 security, or other critical safety net programs in all of the

1 Fund's activities with respect to Heavily Indebted Poor
2 Countries.

3 (e) The Secretary of the Treasury shall instruct the
4 United States executive directors of the international fi-
5 nancial institutions to use the voice and vote of the United
6 States to oppose any assistance by such institutions, using
7 funds appropriated or made available pursuant to titles
8 III through VI of this Act, for the production or extraction
9 of any commodity or mineral for export, if it is in surplus
10 on world markets and if the assistance will cause substan-
11 tial injury to United States producers of the same, similar,
12 or competing commodity.

13 (f) For the purposes of this Act "international finan-
14 cial institutions" shall mean the International Bank for
15 Reconstruction and Development, the International Devel-
16 opment Association, the International Finance Corpora-
17 tion, the Inter-American Development Bank, the Inter-
18 national Monetary Fund, the Asian Development Bank,
19 the Asian Development Fund, the Inter-American Invest-
20 ment Corporation, the North American Development
21 Bank, the European Bank for Reconstruction and Devel-
22 opment, the African Development Bank and the African
23 Development Fund.

1 DEBT-FOR-DEVELOPMENT

2 SEC. 7030. In order to enhance the continued partici-
3 pation of nongovernmental organizations in debt-for-devel-
4 opment and debt-for-nature exchanges, a nongovern-
5 mental organization which is a grantee or contractor of
6 the United States Agency for International Development
7 may place in interest bearing accounts local currencies
8 which accrue to that organization as a result of economic
9 assistance provided under title III of this Act and, subject
10 to the regular notification procedures of the Committees
11 on Appropriations, any interest earned on such investment
12 shall be used for the purpose for which the assistance was
13 provided to that organization.

14 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

15 SEC. 7031. (a) LOANS ELIGIBLE FOR SALE, REDUC-
16 TION, OR CANCELLATION.—

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

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

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

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

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

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

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

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

22 (c) ELIGIBLE PURCHASERS.—A loan may be sold
23 pursuant to subsection (a)(1)(A) only to a purchaser who
24 presents plans satisfactory to the President for using the

1 loan for the purpose of engaging in debt-for-equity swaps,
2 debt-for-development swaps, or debt-for-nature swaps.

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

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

14 SPECIAL PROVISIONS

15 SEC. 7032. (a) AFGHANISTAN, PAKISTAN, IRAQ,
16 LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND
17 DISPLACED BURMESE.—Funds appropriated under titles
18 III through VI of this Act that are made available for as-
19 sistance for Afghanistan may be made available notwith-
20 standing section 7012 of this Act or any similar provision
21 of law and section 660 of the Foreign Assistance Act of
22 1961, and funds appropriated under titles III and VI of
23 this Act that are made available for assistance for Paki-
24 stan, Iraq, and Lebanon and for victims of war, displaced
25 children, displaced Burmese, and to assist victims of traf-

1 ficking in persons and, subject to the regular notification
2 procedures of the Committees on Appropriations, to com-
3 bat such trafficking, may be made available notwith-
4 standing any other provision of law except section 620M
5 of the Foreign Assistance Act, as amended by this Act.

6 (b) WAIVER.—

7 (1) The President may waive the provisions of
8 section 1003 of Public Law 100–204 if the Presi-
9 dent determines and certifies in writing to the Presi-
10 dent pro tempore of the Senate, the Speaker of the
11 House of Representatives, and the Committees on
12 Appropriations that it is important to the national
13 security interests of the United States.

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

19 (3) Not later than 30 days after enactment of
20 this Act, the Secretary of State shall submit to the
21 Committees on Appropriations specific recommenda-
22 tions on appropriate actions to be taken with respect
23 to the Palestine Liberation Organization’s status in
24 the United States, especially about the closing of its
25 office, if Palestine seeks to become a member or

1 non-member state of the United Nations outside an
2 agreement negotiated between Israel and the Pal-
3 estinians.

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

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

19 (e) EXTENSION OF AUTHORITY.—The Foreign Oper-
20 ations, Export Financing, and Related Programs Appro-
21 priations Act, 1990 (Public Law 101–167) is amended—

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

23 (A) in subsection (b)(3), by striking “and
24 2011” and inserting “2011, and 2012”; and

1 (B) in subsection (e), by striking “June 1,
2 2011” each place it appears and inserting “Oc-
3 tober 1, 2012”; and

4 (2) in section 599E (8 U.S.C. 1255 note) in
5 subsection (b)(2), by striking “2011” and inserting
6 “2012”.

7 (f) WORLD FOOD PROGRAM.—Funds managed by
8 the Bureau for Democracy, Conflict, and Humanitarian
9 Assistance, USAID, from this or any other Act, shall be
10 made available as a general contribution to the World
11 Food Program, notwithstanding any other provision of
12 law.

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

1 section: *Provided further*, That for the purposes of this
2 subsection the term “foreign terrorist organization”
3 means an organization designated as a terrorist organiza-
4 tion under section 219 of the Immigration and Nationality
5 Act.

6 (h) CONTINGENCIES.—During fiscal year 2012, the
7 President may use up to \$75,000,000 under the authority
8 of section 451 of the Foreign Assistance Act of 1961, not-
9 withstanding any other provision of law.

10 (i) CONSOLIDATION OF REPORTS.—The Secretary of
11 State, in coordination with the USAID Administrator,
12 shall submit to the Committees on Appropriations not
13 later than 90 days after enactment of this Act rec-
14 ommendations for the consolidation or combination of re-
15 ports (including plans and strategies) that are called for
16 by any provision of law to be submitted to the Congress
17 and that are substantially duplicative of others called for
18 by any other provision of law: *Provided*, That reports are
19 considered “substantially duplicative” if they are required
20 to address at least more than half of the same substantive
21 factors, criteria and issues that are required to be ad-
22 dressed by any other report, and any such consolidated
23 report must address all the substantive factors, criteria
24 and issues required to be addressed in each of the indi-
25 vidual reports: *Provided further*, That reports affected by

1 this subsection are those within the purview of, or pre-
2 pared primarily by, the Department of State and USAID
3 and that relate to matters addressed under this Act or
4 any other Act authorizing or appropriating funds for use
5 by, or actions of, the Department of State or USAID.

6 (j) PROMOTION OF DEMOCRACY.—

7 (1) Funds made available by this Act that are
8 made available for the promotion of democracy may
9 be made available notwithstanding any other provi-
10 sion of law, and with regard to the National Endow-
11 ment for Democracy, any regulation.

12 (2) For the purposes of funds appropriated by
13 this Act, the term “promotion of democracy” means
14 programs that support good governance, human
15 rights, independent media, and the rule of law, and
16 otherwise strengthen the capacity of democratic po-
17 litical parties, governments, nongovernmental organi-
18 zations and institutions, and citizens to support the
19 development of democratic states, institutions, and
20 practices that are responsive and accountable to citi-
21 zens.

22 (3) With respect to the provision of assistance
23 for democracy, human rights and governance activi-
24 ties in this Act, the organizations implementing such
25 assistance and the specific nature of that assistance

1 shall not be subject to the prior approval by the gov-
2 ernment of any foreign country.

3 (4) Of the funds appropriated under the head-
4 ing “Economic Support Fund”, up to \$25,000,000
5 shall be made available to the Bureau of Democracy,
6 Human Rights and Labor for programs to promote
7 human rights by expanding open and uncensored ac-
8 cess to information and communication through the
9 Internet, mobile phones, and other connection tech-
10 nologies including digital safety training, policy and
11 advocacy, and the development of circumvention and
12 secure communication technologies, as identified in
13 the Department of State’s Internet freedom strat-
14 egy: *Provided*, That funds made available by this
15 section should be matched by sources other than the
16 United States Government, as appropriate: *Provided*
17 *further*, That the Secretary of State shall coordinate
18 the uses of circumvention and secure communica-
19 tions technologies with the Administrator of the
20 United States Agency for International Development
21 (USAID) and the Broadcasting Board of Governors,
22 as appropriate: *Provided further*, That the cir-
23 cumvention technologies and programs supported by
24 funds made available by this Act, Public Law 111–
25 117 or Public Law 112–10 shall undergo a peer re-

1 view, to include an assessment of the protection
2 against such technologies being used for illicit pur-
3 poses, including to further the communications capa-
4 bilities of extremist groups or their supporters: *Pro-*
5 *vided further*, That prior to the obligation of funds,
6 the Secretary of State shall submit to the Commit-
7 tees on Appropriations a report detailing planned ex-
8 penditures of funds made available for activities to
9 promote Internet freedom: *Provided further*, That
10 not later than September 30, 2012, the Secretary of
11 State, in coordination with the USAID Adminis-
12 trator, shall submit a report to the Committees on
13 Appropriations listing programs supported by the
14 Department of State and USAID to promote Inter-
15 net freedom, including an assessment of the results
16 of such programs, and detailing how such programs
17 further, and are coordinated with cyber diplomacy
18 and the United States International Strategy for
19 Cyberspace.

20 (k) ACCOUNTABILITY REVIEW BOARDS.—The au-
21 thority provided by section 301(a)(3) of the Omnibus Dip-
22 lomatic Security and Antiterrorism Act of 1986 (22
23 U.S.C. 4831(a)(3)) shall remain in effect through Sep-
24 tember 30, 2012.

1 (l) PARTNER VETTING.—The provisions of section
2 7034(o) of division F of Public Law 111–117 shall remain
3 in effect through fiscal year 2012.

4 (m) MOTOR VEHICLE POLLUTION CONTROL.—Not
5 later than 90 days after enactment of this Act, the head
6 of each United States Government agency that receives
7 funds appropriated by this Act shall establish a policy to
8 eliminate unnecessary idling of motor vehicles owned or
9 leased by such department or agency, and provide a copy
10 of such policy to the Committees on Appropriations includ-
11 ing an estimate of the amount of annual fuel savings that
12 will result from such policy: *Provided*, That such policy
13 may include exceptions to accommodate important secu-
14 rity, health, or safety concerns, and if necessary to per-
15 form an important job function, ensure safe operating con-
16 ditions, or to operate a motor vehicle in accordance with
17 manufacturer specifications.

18 (n) PROTECTIONS AND REMEDIES FOR EMPLOYEES
19 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
20 ZATIONS.—The Secretary of State shall implement section
21 203(a)(2) of the William Wilberforce Trafficking Victims
22 Protection Reauthorization Act of 2008 (Public Law 110–
23 457): *Provided*, That in determining whether to suspend
24 the issuance of A–3 or G–5 visas to applicants seeking
25 to work for officials of a diplomatic mission or inter-

1 national organization, the Secretary shall consider wheth-
2 er a final court judgment has been issued against a cur-
3 rent or former employee of such mission or organization
4 (and the time period for a final appeal has expired) or
5 whether the Department of State has requested that im-
6 munity of individual diplomats or family members be
7 waived to permit criminal prosecution: *Provided further,*
8 That the Secretary should continue to assist in obtaining
9 payment of final court judgments awarded to A-3 and G-
10 5 visa holders, including encouraging the sending states
11 to provide compensation directly to victims: *Provided fur-*
12 *ther,* That the Secretary shall include, in a manner the
13 Secretary deems appropriate, all trafficking cases involv-
14 ing A-3 or G-5 visa holders in the Trafficking in Persons
15 annual report for which a final civil judgment has been
16 issued (and the time period for final appeal has expired)
17 or the Department of Justice has determined that the
18 United States Government would seek to indict the dip-
19 lomat or a family member but for diplomatic immunity.

20 (o) MODIFICATION OF AMENDMENT.—Section 620J
21 of the Foreign Assistance Act of 1961 (Limitation on As-
22 sistance to Security Forces) is amended as follows:

23 (1) by redesignating the section as section
24 620M;

1 (2) in subsection (a), by striking “evidence”
2 and inserting “information” and by striking “gross
3 violations” and inserting “a gross violation”;

4 (3) in subsection (b), by striking “measures”
5 and inserting “steps”; and

6 (4) by adding the following subsections:

7 “(d) CREDIBLE INFORMATION.—Not later than 180
8 days after the enactment of this section, the Secretary
9 shall establish, and periodically update, procedures to—

10 “(1) ensure that for each country the Depart-
11 ment of State has a current list of all security force
12 units receiving United States training, equipment, or
13 other types of assistance;

14 “(2) facilitate receipt by the Department of
15 State and United States embassies of information
16 from individuals and organizations outside the
17 United States Government about gross violations of
18 human rights by security force units;

19 “(3) routinely request and obtain such informa-
20 tion from the Department of Defense, the Central
21 Intelligence Agency, and other United States Gov-
22 ernment sources;

23 “(4) ensure that such information is evaluated
24 and preserved;

1 (2) Section 61 of the State Department Basic
2 Authorities Act of 1956 (22 U.S.C. 2733) is amend-
3 ed in subsection (a)—

4 (A) in paragraph (1), by inserting “to po-
5 sitions in the Response Readiness Corps,” be-
6 fore “or to posts vacated”; and

7 (B) in paragraph (2), by striking “2011”
8 and inserting in lieu thereof “2013”.

9 (3) Section 625 of the Foreign Assistance Act
10 of 1961 (22 U.S.C. 2385) is amended in subsection
11 (j)(1)—

12 (A) in subparagraph (A), by inserting “to
13 positions in the Response Readiness Corps,” be-
14 fore “or to posts vacated”; and

15 (B) in subparagraph (B), by striking
16 “2011” and inserting in lieu thereof “2013”.

17 (r) INCENTIVES FOR CRITICAL POSTS.—The author-
18 ity contained in section 1115(d) of Public Law 111–32
19 shall remain in effect through fiscal year 2012.

20 (s) REPORTS REPEALED.—Section 4(b) of Public
21 Law 79–264; section 51(a)(2) of Public Law 84–885; sec-
22 tions 133(d), 620C(c) and 620F(c) of Public Law 87–195;
23 section 807 of Public Law 98–164; section 704(e) of Pub-
24 lic Law 101–179; section 104 of Public Law 102–511; sec-
25 tion 560(g) of Public Law 103–87; sections 514(a) and

1 527(f) of Public Law 103–236; section 605(c) of Appendix
2 G, Public Law 106–113; sections 3203 and 3204(f) of di-
3 vision B of Public Law 106–246; section 564(g)(4) of
4 Public Law 106–429; section 304(f) of Public Law 107–
5 173; sections 694(a), 694(b), 702, 704 and 1321 of Public
6 Law 107–228; and section 409(c) of Public Law 108–447
7 are hereby repealed.

8 (t) FEE.—Section 1(b)(2) of the Passport Act of
9 June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by strik-
10 ing “2011” and inserting instead “2012”.

11 (u) CONFLICT STABILIZATION OPERATIONS AU-
12 THORITY.—Of the funds appropriated in title I of this Act
13 under the heading “Diplomatic and Consular Programs”,
14 up to \$35,000,000, to remain available until expended,
15 may be made available pursuant to the authorities under
16 the heading “Civilian Stabilization Initiative” in title I of
17 division F of Public Law 111–117: *Provided*, That the
18 third and fourth proviso under such heading shall not
19 apply to funds made available under this subsection.

20 (v) TRANSFER OF AUTHORITY.—

21 (1) The State Department Basic Authorities
22 Act of 1956 is amended in section 1(c)(1) (22
23 U.S.C. 2651a(c)(1)) by striking “24” and inserting
24 instead “26”.

1 (2) The Secretary of State may transfer any
2 authority, duty, or function assigned by statute to
3 the Coordinator for Counterterrorism, the Coordi-
4 nator for Reconstruction and Stabilization, or the
5 Coordinator for International Energy Affairs (or to
6 their respective offices) to such other officials or of-
7 fices of the Department of State as the Secretary
8 may determine from time to time, following con-
9 sultation with the Committees on Appropriations.

10 (w) COUNTRY EXPENDITURES.—Except to respond
11 to humanitarian crises or natural or man-made disasters,
12 or to promote democracy or protect human rights, funds
13 appropriated under the headings “Global Health Pro-
14 grams”, “Development Assistance”, “Economic Support
15 Fund”, “Millennium Challenge Corporation”, and “Inter-
16 national Narcotics Control and Law Enforcement” shall
17 not be made available for programs and activities in any
18 country whose government is not increasing its own budg-
19 etary expenditures for such programs and activities.

20 (x) PERSONNEL.—The authority provided by section
21 1113 of Public Law 111–32 shall remain in effect through
22 fiscal year 2012: *Provided*, That none of the funds appro-
23 priated or otherwise made available by this Act or any
24 other Act making appropriations for the Department of

1 State, foreign operations, and related programs may be
2 used to implement phase 3 of such authority.

3 (y) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
4 retary of State may withhold funds appropriated by this
5 Act under the heading “Economic Support Fund” for as-
6 sistance for the central government of any country that
7 the Secretary determines is not taking appropriate steps
8 to comply with the Convention on the Civil Aspects of
9 International Child Abductions, done at the Hague on Oc-
10 tober 25, 1980: *Provided*, That the Secretary shall report
11 to the Committees on Appropriations within 15 days of
12 making any such determination.

13 ARAB LEAGUE BOYCOTT OF ISRAEL

14 SEC. 7033. It is the sense of the Congress that—

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

20 (2) the Arab League boycott, which was regret-
21 tably reinstated in 1997, should be immediately and
22 publicly terminated, and the Central Office for the
23 Boycott of Israel immediately disbanded;

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

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

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

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

17 (A) termination of all claims or states of
18 belligerency;

19 (B) respect for and acknowledgment of the
20 sovereignty, territorial integrity, and political
21 independence of every state in the area through
22 measures including the establishment of demili-
23 tarized zones;

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

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

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

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

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

17 (d) EXEMPTION.—The restriction in subsection (a)
18 shall not apply to assistance intended to help reform the
19 Palestinian Authority and affiliated institutions, or the
20 governing entity, in order to help meet the requirements
21 of subsection (a), consistent with the provisions of section
22 7038 of this Act (“Limitation on Assistance for the Pales-
23 tinian Authority”).

1 RESTRICTIONS CONCERNING THE PALESTINIAN
2 AUTHORITY

3 SEC. 7035. 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: *Provided further*, That as has been
21 true in the past, officers and employees of the United
22 States Government may continue to meet in Jerusalem on
23 other subjects with Palestinians (including those who now
24 occupy positions in the Palestinian Authority), have social
25 contacts, and have incidental discussions.

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: *Provided*, That the Secretary of State
9 shall, as appropriate, establish procedures specifying the
10 steps to be taken in carrying out this subsection and shall
11 terminate assistance to any individual, entity, or edu-
12 cational institution which the Secretary has determined to
13 be involved 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 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: *Provided*, That such funds are in ad-
21 dition to funds otherwise available for such pur-
22 poses.

23 (e) Subsequent to the certification specified in sub-
24 section (a), the Comptroller General of the United States
25 shall conduct an audit and an investigation of the treat-

1 Act of 1961 may be obligated or expended with respect
2 to providing funds to the Palestinian Authority.

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

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

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

22 (e) CERTIFICATION.—If the President exercises the
23 waiver authority under subsection (b), the Secretary of
24 State must certify and report to the Committees on Ap-
25 propriations prior to the obligation of funds that the Pal-

1 estinian Authority has established a single treasury ac-
2 count for all Palestinian Authority financing and all fi-
3 nancing mechanisms flow through this account, no parallel
4 financing mechanisms exist outside of the Palestinian Au-
5 thority treasury account, and there is a single comprehen-
6 sive civil service roster and payroll.

7 (f) PROHIBITION TO HAMAS AND THE PALESTINE
8 LIBERATION ORGANIZATION.—

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

17 (2) Notwithstanding the limitation of subsection
18 (1), assistance may be provided to a power-sharing
19 government only if the President certifies and re-
20 ports to the Committees on Appropriations that such
21 government, including all of its ministers or such
22 equivalent, has publicly accepted and is complying
23 with the principles contained in section
24 620K(b)(1)(A) and (B) of the Foreign Assistance
25 Act of 1961, as amended.

1 (1) Notwithstanding any other provision of this
2 Act, funds appropriated by this Act under the head-
3 ing “Foreign Military Financing Program” for as-
4 sistance for Egypt may be transferred to, and
5 merged with, funds appropriated for assistance for
6 Egypt under the heading “Economic Support
7 Fund”: *Provided*, That such transfer may only be
8 made following consultation with, and subject to the
9 regular notification procedures of, the Committees
10 on Appropriations.

11 (2)(A) None of the funds appropriated by this
12 Act may be made available for assistance for the
13 central Government of Egypt unless the Secretary of
14 State certifies to the Committees on Appropriations
15 that such government is meeting its obligations
16 under the 1979 Egypt-Israel Peace Treaty.

17 (B) The Secretary of State may waive para-
18 graph (2)(A) if the Secretary determines and reports
19 to the Committees on Appropriations that to do so
20 is important to the national interests of the United
21 States: *Provided*, That any such determination and
22 report shall include a detailed justification for such
23 waiver.

24 (3)(A) Funds appropriated under the heading
25 “Economic Support Fund” in this and prior Acts

1 (including previously obligated funds), may be made
2 available, notwithstanding any other provision of
3 law, for an Egypt initiative, particularly for the spe-
4 cific costs referred to in the authorities referenced
5 herein, for the purpose of improving the lives of the
6 Egyptian people through education, investment in
7 jobs and skills (including secondary and vocational
8 education), and access to finance for small and me-
9 dium enterprise with emphasis on expanding oppor-
10 tunities for women, as well as other appropriate
11 market-reform and economic growth activities: *Pro-*
12 *vided*, That the provisions of title VI of Public Law
13 103–306 pertaining to funds for Jordan shall be
14 deemed to apply to any such initiative and to funds
15 available under this section to carry out such an ini-
16 tiative in the same manner as such cited provisions
17 apply to Jordan, subject to the following provisos:
18 *Provided further*, That subparagraph (b)(2) shall be
19 deemed not to apply and the amount made available
20 pursuant to this section as set forth in the report ac-
21 companying this Act and incorporated herein shall
22 be deemed to apply in lieu of the figure in subpara-
23 graph (b)(1): *Provided further*, That the authority to
24 reduce debt shall include authority to exchange an
25 outstanding obligation for a new obligation and to

1 permit both principal and interest payments on new
2 obligations to be deposited into a fund established
3 for such purpose, to be used in accordance with pur-
4 poses set forth in an agreement between the United
5 States and Egypt: *Provided further*, That the au-
6 thority of this paragraph shall only be made avail-
7 able after the Secretary of State certifies to the
8 Committees on Appropriations that the Government
9 of Egypt has held free and fair elections and is im-
10 plementing policies to protect the rights of journal-
11 ists, due process, and freedoms of expression and as-
12 sociation.

13 (b) ENTERPRISE FUNDS.—Up to \$60,000,000 of
14 funds appropriated under the heading “Economic Support
15 Fund” in this Act and prior acts making appropriations
16 for the Department of State, foreign operations, and re-
17 lated programs (and including previously obligated funds),
18 that are available for assistance for Egypt, up to
19 \$20,000,000 of such funds that are available for assist-
20 ance for Tunisia, up to \$60,000,000 of such funds that
21 are available for assistance for Pakistan, and up to
22 \$60,000,000 of such funds that are available for assist-
23 ance for Jordan, respectively, may be made available not-
24 withstanding any other provision of law, to establish and
25 operate one or more enterprise funds for Egypt, Tunisia,

1 Pakistan, and Jordan, respectively: *Provided*, That provi-
2 sions contained in section 201 of the Support for East
3 European Democracy (SEED) Act of 1989 (excluding the
4 provisions of subsections (b)(c)(d)(3) and (f) of that sec-
5 tion), shall be deemed to apply to any such fund or funds,
6 and to funds made available to such fund or funds, in
7 order to enable such fund or funds to provide assistance
8 for purposes of this section: *Provided further*, That section
9 7077 of division F of Public Law 111–117 shall apply to
10 any such fund or funds established pursuant to this sub-
11 section: *Provided further*, That not more than 5 percent
12 of the funds made available pursuant to this subsection
13 should be available for administrative expenses of such
14 fund or funds and not later than 1 year after the date
15 of enactment of this Act, and annually thereafter until
16 each fund is dissolved, each fund shall submit to the Com-
17 mittees on Appropriations a report detailing the adminis-
18 trative expenses of such fund: *Provided further*, That each
19 fund shall be governed by a Board of Directors comprised
20 of six private United States citizens and three private citi-
21 zens of each country, respectively, who have had inter-
22 national business careers and demonstrated expertise in
23 international and emerging markets investment activities:
24 *Provided further*, That not later than 1 year after the
25 entry into force of the initial grant agreement under this

1 section and annually thereafter, each fund shall prepare
2 and make available to the public on an Internet Web site
3 administered by the fund a detailed report on the fund's
4 activities during the previous year: *Provided further*, That
5 the authority of any such fund or funds to provide assist-
6 ance shall cease to be effective on December 31, 2022:
7 *Provided further*, That funds made available pursuant to
8 this section shall be subject to prior consultation with the
9 Committees on Appropriations.

10 (c) IRAN.—

11 (1) It is the policy of the United States to seek
12 to prevent Iran from achieving the capability to
13 produce or otherwise manufacture nuclear weapons,
14 including by supporting international diplomatic ef-
15 forts to halt Iran's uranium enrichment program,
16 and the President should fully implement and en-
17 force the Iran Sanctions Act of 1996, as amended
18 (Public Law 104–172) as a means of encouraging
19 foreign governments to require state-owned and pri-
20 vate entities to cease all investment in, and support
21 of, Iran's energy sector and all exports of refined pe-
22 troleum products to Iran.

23 (2) None of the funds appropriated or otherwise
24 made available in this Act under the heading “Ex-
25 port-Import Bank of the United States” may be

1 used by the Export-Import Bank of the United
2 States to provide any new financing (including loans,
3 guarantees, other credits, insurance, and reinsur-
4 ance) to any person that is subject to sanctions
5 under paragraph (2) or (3) of section 5(a) of the
6 Iran Sanctions Act of 1996 (Public Law 104–172).

7 (3) The reporting requirements in section
8 7043(e) in division F of Public Law 111–117 shall
9 continue in effect during fiscal year 2012 as if part
10 of this Act: *Provided*, That the date in subsection
11 (c)(1) shall be deemed to be “September 31, 2012”.

12 (d) IRAQ.—

13 (1) Funds appropriated or otherwise made
14 available by this Act for assistance for Iraq shall be
15 made available in a manner that utilizes Iraqi enti-
16 ties to the maximum extent practicable, and in ac-
17 cordance with the Department of State’s April 9,
18 2009 “Guidelines for Government of Iraq Financial
19 Participation in United States Government-Funded
20 Civilian Foreign Assistance Programs and Projects”.

21 (2) None of the funds appropriated or otherwise
22 made available by this Act may be used by the Gov-
23 ernment of the United States to enter into a perma-
24 nent basing rights agreement between the United
25 States and Iraq.

1 (3) Funds appropriated or otherwise made
2 available by this Act for security-related programs in
3 Iraq may only be made available if the Secretary of
4 State certifies to the Committees on Appropriations
5 that the Government of Iraq has committed to con-
6 tributing to, and sustaining, such programs, includ-
7 ing details on the manner in which such contribu-
8 tions and sustainment will be achieved.

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

16 (e) LEBANON.—

17 (1) None of the funds appropriated by this Act
18 may be made available for assistance for the Govern-
19 ment of Lebanon if such government is controlled by
20 a foreign terrorist organization.

21 (2) Funds appropriated under the heading
22 “Foreign Military Financing Program” in this Act
23 for assistance for Lebanon may be made available
24 only to professionalize the Lebanese Armed Forces
25 and to strengthen border security and combat ter-

1 rorism, including training and equipping the Leba-
2 nese Armed Forces to secure Lebanon’s borders,
3 interdicting arms shipments, preventing the use of
4 Lebanon as a safe haven for terrorist groups, and to
5 implement United Nations Security Council Resolu-
6 tion 1701: *Provided*, That funds may not be made
7 available for obligation until the Secretary of State
8 provides the Committees on Appropriations a de-
9 tailed spending plan: *Provided further*, That such
10 plan shall not be considered as meeting the notifica-
11 tion requirements under section 7015 of this Act or
12 under section 634A of the Foreign Assistance Act of
13 1961.

14 (f) LIBYA.—

15 (1) Of the funds appropriated by this Act under
16 the heading “Economic Support Fund”, not less
17 than \$20,000,000 should be made available to pro-
18 mote democracy, transparent and accountable gov-
19 ernance, human rights, transitional justice, and the
20 rule of law in Libya, and for exchange programs be-
21 tween Libyan and American students: *Provided*,
22 That such funds shall be made available, to the max-
23 imum extent practicable, on a cost matching basis.

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

1 the rehabilitation or reconstruction of infrastructure
2 except on a loan basis with terms favorable to the
3 United States, and only following consultation with
4 the Committees on Appropriations.

5 (g) MOROCCO.—Of the funds appropriated by this
6 Act under the heading “Foreign Military Financing Pro-
7 gram” for assistance for Morocco, \$1,000,000 shall be
8 withheld from obligation until the Secretary of State sub-
9 mits a report to the Committees on Appropriations on
10 steps being taken by the Government of Morocco to—

11 (1) respect the right of individuals to peacefully
12 express their opinions regarding the status and fu-
13 ture of the Western Sahara and to document viola-
14 tions of human rights; and

15 (2) provide unimpeded access to human rights
16 organizations, journalists, and representatives of for-
17 eign governments to the Western Sahara.

18 (h) SYRIA.—Notwithstanding any other provision of
19 law, funds appropriated by this Act shall be made avail-
20 able to promote democracy and protect human rights in
21 Syria: *Provided*, That a portion of such funds should be
22 programmed in coordination with the Government of Tur-
23 key and other governments in the region, as appropriate.

1 AIRCRAFT TRANSFER AND COORDINATION

2 SEC. 7040. (a) TRANSFER AUTHORITY.—Notwith-
3 standing any other provision of law or regulation, aircraft
4 procured with funds appropriated by this Act and prior
5 Acts making appropriations for the Department of State,
6 foreign operations, and related programs under the head-
7 ings “Diplomatic and Consular Programs”, “International
8 Narcotics Control and Law Enforcement”, “Andean
9 Counterdrug Initiative” and “Andean Counterdrug Pro-
10 grams” may be used for any other program and in any
11 region, including for the transportation of active and
12 standby Civilian Response Corps personnel and equipment
13 during a deployment: *Provided*, That the responsibility for
14 policy decisions and justification for the use of such trans-
15 fer authority shall be the responsibility of the Secretary
16 of State and the Deputy Secretary of State and this re-
17 sponsibility shall not be delegated.

18 (b) PROPERTY DISPOSAL.—The authority provided
19 in subsection (a) shall apply only after a determination
20 by the Secretary of State to the Committees on Appropria-
21 tions that the equipment is no longer required to meet
22 programmatic purposes in the designated country or re-
23 gion: *Provided*, That any such transfer shall be subject
24 to prior consultation with, and the regular notification
25 procedures of, the Committees on Appropriations.

1 (c) AIRCRAFT COORDINATION.—

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

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

21 WESTERN HEMISPHERE

22 SEC. 7041. (a) CENTRAL AMERICA AND THE CARIB-
23 BEAN.—Funds appropriated by this Act shall be made
24 available for the Central America Regional Security Initia-
25 tive (CARSI) and for the Caribbean Basin Security Initia-

1 tive (CBSI) to strengthen the capacity and profes-
2 sionalism of civilian law enforcement and judicial institu-
3 tions.

4 (b) COLOMBIA.—

5 (1) ASSISTANCE.—

6 (A) Funds appropriated by this Act and
7 made available to the Department of State for
8 counter-narcotics or other law enforcement as-
9 sistance for the Government of Colombia may
10 be used to support a unified campaign against
11 narcotics trafficking and organizations des-
12 ignated as Foreign Terrorist Organizations and
13 successor organizations, and to take actions to
14 protect human health and welfare in emergency
15 circumstances, including undertaking rescue op-
16 erations: *Provided*, That no United States
17 Armed Forces personnel or United States civil-
18 ian contractor employed by the United States
19 will participate in any combat operation in con-
20 nection with assistance made available by this
21 Act for Colombia: *Provided further*, That the
22 President shall ensure that if any helicopter
23 procured with funds in this Act or prior Acts
24 making appropriations for the Department of
25 State, foreign operations, and related programs,

1 is used to aid or abet the operations of any ille-
2 gal self-defense group, paramilitary organiza-
3 tion, illegal security cooperative or successor or-
4 ganizations in Colombia, such helicopter shall
5 be immediately returned to the United States:
6 *Provided further*, That none of the funds appro-
7 priated by this Act or prior Acts making appro-
8 priations for the Department of State, foreign
9 operations, and related programs may be made
10 available for assistance for the Colombian
11 Departamento Administrativo de Seguridad
12 (DAS) or successor organizations.

13 (B) None of the funds appropriated by this
14 Act under the heading “International Narcotics
15 Control and Law Enforcement” that are avail-
16 able for assistance for Colombia for the pro-
17 curement of chemicals for aerial drug eradi-
18 cation may be made available unless the Sec-
19 retary of State certifies to the Committees on
20 Appropriations that any complaints of harm to
21 health or licit crops caused by such aerial eradi-
22 cation are thoroughly investigated and evalu-
23 ated, and fair compensation is paid in a timely
24 manner for meritorious claims: *Provided fur-*
25 *ther*, That the Secretary shall submit a report

1 to the Committees on Appropriations not later
2 than 6 months after enactment of this Act and
3 6 months thereafter detailing the complaints
4 made during the previous 6 months, the inves-
5 tigations conducted, and the amount of com-
6 pensation, if any: *Provided further*, That such
7 funds may not be made available for such pur-
8 poses unless voluntary eradication programs are
9 not feasible and programs are being imple-
10 mented by the United States Agency for Inter-
11 national Development, the Government of Co-
12 lombia, or other organizations, in consultation
13 and coordination with local communities, to
14 provide alternative sources of income in areas
15 where security permits for small-acreage grow-
16 ers and communities whose illicit crops are tar-
17 geted for aerial eradication: *Provided further*,
18 That none of the funds appropriated by this
19 Act for assistance for Colombia shall be made
20 available for the cultivation or processing of Af-
21 rican oil palm, if doing so would contribute to
22 significant loss of native species, disrupt or con-
23 taminates natural water sources, reduce local
24 food security, or cause the forced displacement
25 of local people: *Provided further*, That funds ap-

1 appropriated by this Act may not be used for aer-
2 rial drug eradication in Colombia's national
3 parks or reserves unless the Secretary of State
4 certifies to the Committees on Appropriations
5 that there are no effective alternatives and the
6 eradication is in accordance with Colombian
7 laws.

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

10 (A) IN GENERAL.—Except as provided in
11 paragraph (2), the provisions of subsections (b)
12 through (f) of section 7046 of the Department
13 of State, Foreign Operations, and Related Pro-
14 grams Appropriations Act, 2009 (division H of
15 Public Law 111–8), as amended by section
16 7046 (b)(2)(A) of division F of Public Law
17 111–117, shall apply to funds appropriated or
18 otherwise made available by this Act for assist-
19 ance for Colombia.

20 (B) EXCEPTIONS.—The following provi-
21 sions of section 7046 of division H of Public
22 Law 111–8 shall apply to funds appropriated or
23 otherwise made available by this Act for assist-
24 ance for Colombia as follows:

1 (i) Subsection (b)(1)(B) is amended
2 as follows:

3 (I) By striking clause (i) and in-
4 serting the following:

5 “(i) The Colombian Armed Forces are
6 suspending those members, of whatever
7 rank, who have been credibly alleged to
8 have violated human rights, or to have
9 aided, abetted or benefitted from para-
10 military organizations or successor armed
11 groups; all such cases are promptly re-
12 ferred to civilian jurisdiction for investiga-
13 tion and prosecution, and the Colombian
14 Armed Forces are no longer opposing civil-
15 ian judicial jurisdiction in such cases; and
16 the Colombian Armed Forces are cooper-
17 ating fully with civilian prosecutors and ju-
18 dicial authorities.”.

19 (II) By striking clause (iv) and
20 inserting the following:

21 “(iv) The Government of Colombia is
22 respecting the rights of human rights de-
23 fenders, journalists, trade unionists, and
24 other social activists, and the rights and
25 territory of indigenous and Afro-Colombian

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

6 (ii) Subsection (b)(2) shall be applied
7 by substituting “July 31, 2012” for the
8 date contained therein;

9 (iii) Subsection (c) shall be applied by
10 substituting “September 30, 2012” for the
11 date contained therein; and

12 (iv) Subsection (d)(1) shall be applied
13 by substituting “fiscal year 2012” for the
14 fiscal year contained therein.

15 (C) REPORT.—Not later than 90 days
16 after enactment of this Act, the Secretary of
17 State shall submit a report to the Committees
18 on Appropriations detailing any United States
19 funding, assistance or other support for the
20 DAS, its officials, employees, affiliates and con-
21 tractors during the period 2002 through 2010,
22 including but not limited to training, equip-
23 ment, information sharing, technical assistance,
24 and facilities construction: *Provided*, That to
25 the maximum extent possible the report shall be

1 provided in unclassified form, but may also in-
2 clude a classified annex.

3 (c) GUATEMALA.—

4 (1) Of the funds appropriated in this Act under
5 the heading “International Narcotics Control and
6 Law Enforcement” not less than \$5,000,000 shall
7 be made available for a United States contribution
8 to the International Commission Against Impunity
9 in Guatemala (CICIG).

10 (2) Funds appropriated under the heading
11 “International Military Education and Training”
12 (IMET) that are available for assistance for the
13 Guatemalan Army may only be made available for
14 expanded IMET.

15 (3) None of the funds appropriated under the
16 heading “Foreign Military Financing Program” may
17 be made available for assistance for the Guatemalan
18 Army, except that such funds may be made available
19 for the Army Corps of Engineers only to improve
20 disaster response capabilities and to participate in
21 international peacekeeping operations.

22 (d) HAITI.—

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

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

3 (2) Funds appropriated under the heading
4 “Economic Support Fund” in this Act and prior
5 Acts that are made available for assistance for Haiti
6 shall be made available, to the maximum extent
7 practicable, in a manner that emphasizes the partici-
8 pation of Haitian civil society organizations and di-
9 rectly improves the security, economic and social
10 well-being, and political status, of Haitian women
11 and girls.

12 (e) HONDURAS.—Funds appropriated by this Act
13 that are available for assistance for police forces in Hon-
14 duras may not be made available until the Secretary of
15 State certifies to the Committees on Appropriations that
16 the Government of Honduras is investigating, prosecuting,
17 and punishing police officers who have violated human
18 rights and the Honduran police are cooperating with civil-
19 ian judicial authorities in such cases.

20 (f) MEXICO.—Funds appropriated by this Act that
21 are available to support anti-crime and counter-narcotics
22 efforts in Mexico shall be made available to strengthen the
23 capacity of civilian law enforcement and judicial institu-
24 tions.

1 (g) TRADE CAPACITY.—Of the funds appropriated by
2 this Act, not less than \$10,000,000 under the heading
3 “Development Assistance” and not less than \$10,000,000
4 under the heading “Economic Support Fund” shall be
5 made available for labor and environmental capacity build-
6 ing activities relating to free trade agreements with coun-
7 tries of Central America, Peru and the Dominican Repub-
8 lic.

9 SERBIA

10 SEC. 7042. (a) Funds appropriated by this Act may
11 be made available for assistance for the central Govern-
12 ment of Serbia after May 31, 2012, if the Secretary of
13 State has submitted the report required in subsection (c).

14 (b) After May 31, 2012, the Secretary of the Treas-
15 ury should instruct the United States executive directors
16 of the international financial institutions to support loans
17 and assistance to the Government of Serbia subject to the
18 condition in subsection (c).

19 (c) The report referred to in subsection (a) is a report
20 by the Secretary of State to the Committees on Appropria-
21 tions that the Government of Serbia is cooperating with
22 the International Criminal Tribunal for the former Yugo-
23 slavia, including apprehending and transferring indictees
24 and providing investigators access to witnesses, docu-
25 ments, and other information.

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

3 COMMUNITY-BASED POLICE ASSISTANCE

4 SEC. 7043. (a) AUTHORITY.—Funds made available
5 by titles III and IV of this Act to carry out the provisions
6 of chapter 1 of part I and chapters 4 and 6 of part II
7 of the Foreign Assistance Act of 1961, may be used, not-
8 withstanding section 660 of that Act, to enhance the effec-
9 tiveness and accountability of civilian police authority
10 through training and technical assistance in human rights,
11 the rule of law, anti-corruption, strategic planning, and
12 through assistance to foster civilian police roles that sup-
13 port democratic governance including assistance for pro-
14 grams to prevent conflict, respond to disasters, address
15 sexual and gender-based violence, and foster improved po-
16 lice relations with the communities they serve.

17 (b) NOTIFICATION.—Assistance provided under sub-
18 section (a) shall be subject to the regular notification pro-
19 cedures of the Committees on Appropriations.

20 PROHIBITION OF PAYMENTS TO UNITED NATIONS

21 MEMBERS

22 SEC. 7044. None of the funds appropriated or made
23 available pursuant to titles III through VI of this Act for
24 carrying out the Foreign Assistance Act of 1961, may be
25 used to pay in whole or in part any assessments, arrear-

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

7 WAR CRIMES TRIBUNALS DRAWDOWN

8 SEC. 7045. If the President determines that doing so
9 will contribute to a just resolution of charges regarding
10 genocide or other violations of international humanitarian
11 law, the President may direct a drawdown pursuant to sec-
12 tion 552(c) of the Foreign Assistance Act of 1961 of up
13 to \$30,000,000 of commodities and services for the United
14 Nations War Crimes Tribunal established with regard to
15 the former Yugoslavia by the United Nations Security
16 Council or such other tribunals or commissions as the
17 Council may establish or authorize to deal with such viola-
18 tions, without regard to the ceiling limitation contained
19 in paragraph (2) thereof: *Provided*, That the determina-
20 tion required under this section shall be in lieu of any de-
21 terminations otherwise required under section 552(c): *Pro-*
22 *vided further*, That funds made available pursuant to this
23 section shall be made available subject to the regular noti-
24 fication procedures of the Committees on Appropriations.

1 PEACEKEEPING

2 SEC. 7046. (a) MISSIONS.—None of the funds appro-
3 priated or otherwise made available by title I of this Act
4 may be used for any United Nations peacekeeping mission
5 that will involve United States Armed Forces under the
6 command or operational control of a foreign national, un-
7 less the President’s military advisors have submitted to
8 the President a recommendation that such involvement is
9 in the national interests of the United States and the
10 President has submitted to the Congress such a rec-
11 ommendation.

12 (b) ASSESSMENT.—Section 404(b)(2)(B) of the For-
13 eign Relations Authorization Act, Fiscal Years 1994 and
14 1995 (22 U.S.C. 287e note) is amended by adding the
15 following at the end:

16 “(vii) For assessments made during
17 calendar year 2011 and 2012, 27.2 per-
18 cent.”.

19 ATTENDANCE AT INTERNATIONAL CONFERENCES

20 SEC. 7047. None of the funds made available in this
21 Act may be used to send or otherwise pay for the attend-
22 ance of more than 50 employees of agencies or depart-
23 ments of the United States Government who are stationed
24 in the United States, at any single international con-
25 ference occurring outside the United States, unless the

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

8 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

9 SEC. 7048. None of the funds made available under
10 title I of this Act may be used to pay expenses for any
11 United States delegation to any specialized agency, body,
12 or commission of the United Nations if such commission
13 is chaired or presided over by a country, the government
14 of which the Secretary of State has determined, for pur-
15 poses of section 6(j)(1) of the Export Administration Act
16 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
17 national terrorism.

18 PARKING FINES AND REAL PROPERTY TAXES OWED BY

19 FOREIGN GOVERNMENTS

20 SEC. 7049. The terms and conditions of section 7055
21 of division F of Public Law 111–117 shall apply to this
22 Act: *Provided*, That the date “September 30, 2009” in
23 subsection (f)(2)(B) shall be deemed to be “September 30,
24 2011”.

1 LANDMINES AND CLUSTER MUNITIONS

2 SEC. 7050. (a) LANDMINES.—Notwithstanding any
3 other provision of law, demining equipment available to
4 the United States Agency for International Development
5 and the Department of State and used in support of the
6 clearance of landmines and unexploded ordnance for hu-
7 manitarian purposes may be disposed of on a grant basis
8 in foreign countries, subject to such terms and conditions
9 as the Secretary of State may prescribe.

10 (b) CLUSTER MUNITIONS.—No military assistance
11 shall be furnished for cluster munitions, no defense export
12 license for cluster munitions may be issued, and no cluster
13 munitions or cluster munitions technology shall be sold or
14 transferred, unless—

15 (1) the submunitions of the cluster munitions,
16 after arming, do not result in more than 1 percent
17 unexploded ordnance across the range of intended
18 operational environments; and

19 (2) the agreement applicable to the assistance,
20 transfer, or sale of such cluster munitions or cluster
21 munitions technology specifies that the cluster muni-
22 tions will only be used against clearly defined mili-
23 tary targets and will not be used where civilians are
24 known to be present or in areas normally inhabited
25 by civilians.

1 PROHIBITION ON PUBLICITY OR PROPAGANDA

2 SEC. 7051. No part of any appropriation contained
3 in this Act shall be used for publicity or propaganda pur-
4 poses within the United States not authorized before the
5 date of the enactment of this Act by the Congress: *Pro-*
6 *vided*, That not to exceed \$25,000 may be made available
7 to carry out the provisions of section 316 of Public Law
8 96-533.

9 LIMITATION ON RESIDENCE EXPENSES

10 SEC. 7052. Of the funds appropriated or made avail-
11 able pursuant to title II of this Act, not to exceed
12 \$100,500 shall be for official residence expenses of the
13 United States Agency for International Development dur-
14 ing the current fiscal year: *Provided*, That appropriate
15 steps shall be taken to assure that, to the maximum extent
16 possible, United States-owned foreign currencies are uti-
17 lized in lieu of dollars.

18 UNITED STATES AGENCY FOR INTERNATIONAL

19 DEVELOPMENT MANAGEMENT

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 7053. (a) AUTHORITY.—Up to \$93,000,000 of
22 the funds made available in title III of this Act to carry
23 out the provisions of part I of the Foreign Assistance Act
24 of 1961, including funds appropriated under the heading
25 “Assistance for Europe, Eurasia and Central Asia”, may

1 be used by the United States Agency for International De-
2 velopment (USAID) to hire and employ individuals in the
3 United States and overseas on a limited appointment basis
4 pursuant to the authority of sections 308 and 309 of the
5 Foreign Service Act of 1980.

6 (b) RESTRICTIONS.—

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

10 (2) The authority to hire individuals contained
11 in subsection (a) shall expire on September 30,
12 2013.

13 (c) CONDITIONS.—The authority of subsection (a)
14 should only be used to the extent that an equivalent num-
15 ber of positions that are filled by personal services contrac-
16 tors or other nondirect hire employees of USAID, who are
17 compensated with funds appropriated to carry out part I
18 of the Foreign Assistance Act of 1961, including funds
19 appropriated under the heading “Assistance for Europe,
20 Eurasia and Central Asia”, are eliminated.

21 (d) PRIORITY SECTORS.—In exercising the authority
22 of this section, primary emphasis shall be placed on ena-
23 bling USAID to meet personnel positions in technical
24 areas currently encumbered by contractor or other non-
25 direct hire personnel.

1 (e) PROGRAM ACCOUNT CHARGED.—The account
2 charged for the cost of an individual hired and employed
3 under the authority of this section shall be the account
4 to which such individual’s responsibilities primarily relate:
5 *Provided*, That funds made available to carry out this sec-
6 tion may be transferred to, and merged with, funds appro-
7 priated by this Act in title II under the heading “Oper-
8 ating Expenses”.

9 (f) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
10 viduals hired and employed by USAID, with funds made
11 available in this Act or prior Acts making appropriations
12 for the Department of State, foreign operations, and re-
13 lated programs, pursuant to the authority of section 309
14 of the Foreign Service Act of 1980, may be extended for
15 a period of up to 4 years notwithstanding the limitation
16 set forth in such section.

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

1 carry out programs in response to natural or man-made
2 disasters.

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

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

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

12 (j) SENIOR FOREIGN SERVICE LIMITED APPOINT-
13 MENTS.—Individuals hired pursuant to the authority pro-
14 vided by section 7059(o) of division F of Public Law 111–
15 117 may be assigned to or support programs in Iraq, Af-
16 ghanistan, or Pakistan with funds made available in this
17 Act and prior Acts making appropriations for the Depart-
18 ment of State, foreign operations, and related programs.

19 GLOBAL HEALTH ACTIVITIES

20 SEC. 7054. (a) Funds appropriated by titles III and
21 IV of this Act that are made available for bilateral assist-
22 ance for global health activities including activities relat-
23 ing to research on, and the prevention, treatment and con-
24 trol of, HIV/AIDS may be made available notwithstanding
25 any other provision of law except for provisions under the

1 heading “Global Health Programs” and the United States
2 Leadership Against HIV/AIDS, Tuberculosis, and Malaria
3 Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as
4 amended: *Provided*, That of the funds appropriated under
5 title III of this Act, not less than \$700,000,000 shall be
6 made available for family planning/reproductive health, in-
7 cluding in areas where population growth threatens bio-
8 diversity or endangered species.

9 (b) Not later than 90 days after enactment of this
10 Act, the Secretary of State, in consultation with the Ad-
11 ministrator of the United States Agency for International
12 Development (USAID) shall submit to the Committees on
13 Appropriations a report on any cost savings that could be
14 achieved by transitioning the function, role, and duties of
15 the Office of the United States Global AIDS Coordinator
16 into USAID.

17 (c) Not later than 90 days after enactment of this
18 Act, the Secretary of State, in consultation with the Ad-
19 ministrator of the United States Agency for International
20 Development (USAID) shall submit to the Committees on
21 Appropriations a report on the status of the Quadrennial
22 Diplomacy and Development Review (QDDR) decision to
23 transition the leadership of the Global Health Initiative
24 (GHI) to USAID, to include the following:

1 Operations, and Related Programs Appropriations Act,
2 2008 (division J of Public Law 110–161), primarily for
3 unsolicited proposals, to support grants of not more than
4 \$2,000,000 to small nongovernmental organizations: *Pro-*
5 *vided*, That funds made available under this section are
6 in addition to other funds available for such purposes in-
7 cluding funds designated by this Act by section 7063.

8 PROGRAMS TO PROMOTE GENDER EQUALITY

9 SEC. 7056. (a) Programs funded under title III of
10 this Act shall include, where appropriate, efforts to im-
11 prove the status of women, including through gender con-
12 siderations in the planning, assessment, implementation,
13 monitoring and evaluation of such programs.

14 (b) Funds appropriated under title III of this Act
15 shall be made available to support programs to expand
16 economic opportunities for poor women in developing
17 countries, including increasing the number and capacity
18 of women-owned enterprises, improving property rights for
19 women, increasing women’s access to financial services
20 and capital, enhancing the role of women in economic deci-
21 sionmaking at the local, national and international levels,
22 and improving women’s ability to participate in the global
23 economy.

24 (c) Funds appropriated under title III of this Act
25 shall be made available to increase political opportunities

1 for women, including strengthening protections for wom-
2 en’s personal status, increasing women’s participation in
3 elections, and enhancing women’s positions in government
4 and role in government decisionmaking.

5 (d) Funds appropriated under in title III of this Act
6 for food security and agricultural development shall take
7 into consideration the unique needs of women, and tech-
8 nical assistance for women farmers should be a priority.

9 (e) The Secretary of State, in consultation with the
10 heads of other relevant Federal agencies, shall develop a
11 National Action Plan in accordance with United Nations
12 Security Council Resolution 1325 (adopted on October 31,
13 2000) to ensure the United States effectively promotes
14 and supports the rights and roles of women in conflict-
15 affected and post-conflict regions through clear, measur-
16 able commitments to—

17 (1) promote the active and meaningful partici-
18 pation of women in affected areas in all aspects of
19 conflict prevention, management, and resolution;

20 (2) integrate the perspectives and interests of
21 affected women into conflict-prevention activities and
22 strategies;

23 (3) promote the physical safety, economic secu-
24 rity, and dignity of women and girls;

1 (4) support women’s equal access to aid dis-
2 tribution mechanisms and services; and

3 (5) monitor, analyze and evaluate implementa-
4 tion efforts and their impact.

5 (f) The Department of State and the United States
6 Agency for International Development shall fully integrate
7 gender into all diplomatic and development efforts through
8 the inclusion of gender in strategic planning and budget
9 allocations, and the development of indicators and evalua-
10 tion mechanisms to measure the impact of United States
11 policies and programs on women and girls in foreign coun-
12 tries.

13 GENDER-BASED VIOLENCE

14 SEC. 7057. (a) Funds appropriated under the head-
15 ings “Global Health Programs”, “Development Assist-
16 ance”, “Economic Support Fund”, and “International
17 Narcotics Control and Law Enforcement” in this Act shall
18 be made available for sexual and gender-based violence
19 prevention and response efforts, and funds appropriated
20 under the headings “International Disaster Assistance”,
21 “Complex Crises Fund” and “Migration and Refugee As-
22 sistance” should be made available for such efforts.

23 (b) Programs and activities funded under titles III
24 and IV of this Act to train foreign police, judicial, and
25 military personnel, including for international peace-

1 keeping operations, shall address, where appropriate, pre-
2 vention and response to sexual and gender-based violence
3 and trafficking in persons.

4 (c) Not later than 180 days after enactment of this
5 Act, the Secretary of State and the Administrator of the
6 United States Agency for International Development shall
7 jointly submit to the Committees on Appropriations a
8 multi-year strategy to prevent and respond to violence
9 against women and girls in countries where it is common:
10 *Provided*, That the strategy should reflect the input of
11 local women’s organizations in such countries and include
12 achievable and sustainable goals, benchmarks for meas-
13 uring progress, and expected results: *Provided further*,
14 That the strategy should include regular engagement with
15 men and boys as community leaders and advocates in end-
16 ing violence against women and girls.

17 RECONCILIATION PROGRAMS

18 SEC. 7058. Of the funds appropriated by title III of
19 this Act under the headings “Economic Support Fund”
20 and “Development Assistance”, \$26,000,000 shall be
21 made available to support people to people reconciliation
22 programs which bring together individuals of different eth-
23 nic, religious and political backgrounds from areas of civil
24 strife and war, of which \$10,000,000 shall be made avail-
25 able for such programs in the Middle East: *Provided*, That

1 the Administrator of the United States Agency for Inter-
2 national Development shall consult with the Committees
3 on Appropriations, prior to the initial obligation of funds,
4 on the uses of such funds.

5 REQUESTS FOR DOCUMENTS

6 SEC. 7059. None of the funds appropriated or made
7 available pursuant to titles III through VI of this Act shall
8 be available to a nongovernmental organization, including
9 any contractor, which fails to provide upon timely request
10 any document, file, or record necessary to the auditing re-
11 quirements of the United States Agency for International
12 Development.

13 PROHIBITION ON USE OF TORTURE

14 SEC. 7060. (a) None of the funds made available in
15 this Act may be used to support or justify the use of tor-
16 ture, cruel or inhumane treatment by any official or con-
17 tract employee of the United States Government.

18 (b) Not later than 90 days after enactment of this
19 Act, the Secretary of State shall submit to the Committees
20 on Appropriations a report identifying those countries re-
21 ceiving United States assistance from funds appropriated
22 by this Act whose police, military, or other security forces
23 have been credibly alleged to use torture, as determined
24 by the Assistant Secretary of State for Democracy,
25 Human Rights and Labor based on the Department of

1 State’s most recent Human Rights Report and other rel-
2 evant information.

3 (c) Funds appropriated by this Act to carry out the
4 provisions of chapters 1, 10, 11, and 12 of part I and
5 chapter 4 of part II of the Foreign Assistance Act of 1961,
6 and the Support for East European Democracy (SEED)
7 Act of 1989, shall be made available, notwithstanding sec-
8 tion 660 of the Foreign Assistance Act of 1961, for assist-
9 ance to eliminate torture by foreign police, military or
10 other security forces in countries identified in the report
11 required in subsection (b).

12 AFRICA

13 SEC. 7061. (a) CONFLICT MINERALS.—

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

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

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

6 (b) COUNTER-TERRORISM PROGRAMS.—

7 (1) Of the funds appropriated by this Act, not
8 less than \$52,800,000 should be made available for
9 the Trans-Sahara Counter-terrorism Partnership
10 program, and not less than \$21,300,000 should be
11 made available for the Partnership for Regional
12 East Africa Counter-terrorism program.

13 (2) In addition to such sums that may other-
14 wise be made available, of the funds appropriated by
15 this Act under the heading “Economic Support
16 Fund”, \$10,000,000 shall be made available for pro-
17 grams to counter extremism in East Africa.

18 (3) Not later than 90 days after enactment of
19 this Act, the Secretary of State, in consultation with
20 the Secretary of Defense, shall submit a report to
21 the Committees on Appropriations detailing—

22 (A) the United States Government’s multi-
23 year strategy for combating terrorism in Africa;

24 (B) the amount of funding provided, by ac-
25 count, to implement such a strategy, and a

1 brief description of counter-terrorism programs
2 implemented on a country-by-country basis;

3 (C) the mechanisms for coordinating such
4 assistance between the Department of State,
5 the United States Agency for International De-
6 velopment, and the Department of Defense, be-
7 tween the United States Government and other
8 international donors, and between the United
9 States Government and respective host govern-
10 ments; and

11 (D) the benchmarks for measuring the
12 strengths and weaknesses in implementing such
13 strategy.

14 (e) **CRISIS RESPONSE.**—Notwithstanding any other
15 provision of law, up to \$15,000,000 of the funds appro-
16 priated by this Act under the heading “Global Health Pro-
17 grams” for HIV/AIDS activities may be transferred to,
18 and merged with, funds appropriated under the headings
19 “Complex Crises Fund”, “International Disaster Assist-
20 ance”, “Economic Support Fund”, and “Migration and
21 Refugee Assistance” to respond to unanticipated crises in
22 Africa, except that funds shall not be transferred unless
23 the Secretary of State certifies to the Committees on Ap-
24 propriations that no individual currently on anti-retroviral
25 therapy supported by such funds shall be negatively im-

1 pacted by the transfer of such funds: *Provided*, That the
2 authority of this subsection shall be subject to prior con-
3 sultation with the Committees on Appropriations.

4 (d) EXPANDED INTERNATIONAL MILITARY EDU-
5 CATION AND TRAINING.—

6 (1) Funds appropriated under the heading
7 “International Military Education and Training”
8 (IMET) in this Act that are made available for as-
9 sistance for Angola, Cameroon, Central African Re-
10 public, Chad, Côte d’Ivoire, Guinea and Zimbabwe
11 may be made available only for expanded IMET.

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

16 (e) ETHIOPIA.—

17 (1) Funds appropriated by this Act under the
18 heading “Foreign Military Financing Program” that
19 are available for assistance for Ethiopia shall not be
20 made available unless the Secretary of State—

21 (A) certifies to the Committees on Appro-
22 priations that the Government of Ethiopia is
23 implementing policies to respect due process
24 and freedoms of expression and association, and
25 is permitting access to human rights and hu-

1 manitarian organizations to the Somalia region
2 of Ethiopia; and

3 (B) submits a report to such Committees
4 on the types and amounts of United States
5 training and equipment proposed to be provided
6 to the Ethiopian military including steps that
7 will be taken to ensure that such assistance is
8 not provided to military units or personnel that
9 have violated human rights, and steps taken by
10 the Government of Ethiopia to investigate and
11 prosecute members of the Ethiopian military
12 who have been credibly alleged to have violated
13 such rights.

14 (2) The restriction in paragraph (1) shall not
15 apply to assistance to Ethiopian military efforts in
16 support of international peacekeeping operations and
17 for assistance to the Ethiopian Defense Command
18 and Staff College.

19 (f) THE GAMBIA.—The Secretary of the Treasury
20 shall instruct the United States executive directors of the
21 international financial institutions to vote against any
22 loan, agreement, or other financial support for the Gam-
23 bia, except to meet basic human needs, unless the Sec-
24 retary of State certifies to the Committees on Appropria-

1 tions that the Government of the Gambia is taking effec-
2 tive steps to release and account for political prisoners.

3 (g) KENYA.—Funds appropriated by this Act under
4 the heading “Foreign Military Financing Program” that
5 are available for assistance for Kenya should not be made
6 available unless a thorough, credible investigation has
7 been conducted of alleged crimes by Kenyan soldiers at
8 Mount Elgon in March 2008, and the responsible individ-
9 uals are being brought to justice.

10 (h) SUDAN LIMITATION ON ASSISTANCE.—

11 (1) Subject to paragraph (2):

12 (A) Notwithstanding any other provision of
13 law, none of the funds appropriated by this Act
14 may be made available for assistance for the
15 Government of Sudan unless the Secretary of
16 State certifies to the Committees on Appropria-
17 tions that such government—

18 (i) has lifted the state of emergency in
19 Darfur;

20 (ii) is cooperating with and partici-
21 pating in good faith in an internationally
22 recognized peace process for Darfur;

23 (iii) is permitting access and freedom
24 of movement for the United Nations/Afri-
25 can Union Hybrid Mission in Darfur and

1 the delivery of humanitarian assistance in
2 Darfur, and is respecting international hu-
3 manitarian law;

4 (iv) is not engaging in provocative
5 military operations within Sudan or cross-
6 border destabilization; and

7 (v) has reached a mutually acceptable
8 agreement with the Republic of South
9 Sudan regarding the status of Abyei and
10 other outstanding issues related to imple-
11 mentation of the Comprehensive Peace
12 Agreement (CPA), including matters re-
13 lated to oil revenues and the transit of oil.

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

23 (2) The limitations of paragraph (1) shall not
24 apply to—

25 (A) humanitarian assistance;

1 (B) assistance for the Darfur region,
2 Southern Kordofan, Blue Nile, White Nile,
3 Sennar, other marginalized areas in Sudan, and
4 the Abyei area; and

5 (C) assistance to support implementation
6 of the CPA, mutually agreed upon arrange-
7 ments related to post-referendum issues associ-
8 ated with the CPA, or to promote peace and
9 stability between Sudan and the Republic of
10 South Sudan, or any other internationally rec-
11 ognized viable peace agreement in Sudan.

12 (i) SOUTH SUDAN.—

13 (1) Funds appropriated by this Act should be
14 made available for assistance for South Sudan in-
15 cluding to increase agricultural productivity, expand
16 educational opportunities especially for girls,
17 strengthen democratic institutions and the rule of
18 law, and enhance the capacity of the Federal Legis-
19 lative Assembly to conduct oversight over govern-
20 ment revenues and expenditures.

21 (2) Not less than 15 days prior to the obliga-
22 tion of funds appropriated by this Act that are avail-
23 able for assistance for the Government of South
24 Sudan, the Secretary of State shall submit a report
25 to the Committees on Appropriations detailing the

1 extent to which the Government of South Sudan
2 is—

3 (A) supporting freedom of expression, the
4 establishment of democratic institutions includ-
5 ing an independent judiciary, parliament, and
6 security forces that are accountable to civilian
7 authority; and

8 (B) investigating and punishing members
9 of security forces who have violated human
10 rights.

11 (3) The Secretary of State shall seek to obtain
12 regular audits of the financial accounts of the Gov-
13 ernment of South Sudan to ensure transparency and
14 accountability of funds, including revenues from the
15 extraction of oil and gas, and the timely, public dis-
16 closure of such audits: *Provided*, That the Secretary
17 should assist the Government of South Sudan in
18 conducting such audits, and by providing technical
19 assistance to enhance the capacity of the National
20 Auditor Chamber to carry out its responsibilities,
21 and shall submit a report not later than 90 days
22 after enactment of this Act to the Committees on
23 Appropriations detailing the steps that will be taken
24 by the Government of South Sudan, which are addi-
25 tional to those taken in the previous fiscal year, to

1 improve natural resource management and ensure
2 transparency and accountability of funds.

3 (j) UGANDA.—Of the funds appropriated by this Act
4 under the headings “Development Assistance” and “Inter-
5 national Narcotics Control and Law Enforcement”, not
6 less than \$1,000,000 shall be made available to improve
7 physical access, telecommunications infrastructure, and
8 early-warning mechanisms in areas affected by the Lord’s
9 Resistance Army (LRA), and not less than \$1,000,000
10 shall be made available to support the disarmament, demo-
11 bilization and reintegration of former LRA combatants,
12 especially child soldiers.

13 (k) 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 the ICTR and
24 the SCSL are credibly alleged to be living, if the
25 Secretary of State determines and reports to the

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

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

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

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

1 (C) the justification for exercising the
2 waiver authority.

3 (I) ZIMBABWE.—

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

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 for health, edu-
18 cation, and macroeconomic growth assistance, unless
19 the Secretary of State makes the determination re-
20 quired in paragraph (1).

21 ASIA

22 SEC. 7062. (a) TIBET.—

23 (1) The Secretary of the Treasury should in-
24 struct the United States executive director of 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 \$7,500,000 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 directors of the inter-
22 national financial institutions to vote against any
23 loan, agreement, or other financial support for
24 Burma.

1 (2) Funds appropriated by this Act may be
2 made available for assistance for Burma notwith-
3 standing any other provision of law, except no such
4 funds shall be made available to the State Peace and
5 Development Council, or its successor, and its affili-
6 ated organizations: *Provided*, That such funds shall
7 be made available to support programs in Burma,
8 along Burma’s borders, and for Burmese groups and
9 organizations located outside Burma: *Provided fur-*
10 *ther*, That not less than \$5,000,000 shall be made
11 available for community-based organizations oper-
12 ating in Thailand to provide food, medical, and other
13 humanitarian assistance to internally displaced per-
14 sons in eastern Burma, in addition to assistance for
15 Burmese refugees appropriated under the heading
16 “Migration and Refugee Assistance” in this Act:
17 *Provided further*, That any new program or activity
18 initiated with funds made available by this Act shall
19 be subject to prior consultation with the Committees
20 on Appropriations, and all such funds shall be sub-
21 ject to the regular notification procedures of the
22 Committees on Appropriations.

23 (c) CAMBODIA.—Funds made available in this Act for
24 a United States contribution to a Khmer Rouge tribunal
25 may only be made available if the Secretary of State cer-

1 tifies to the Committees on Appropriations that the
2 United Nations and the Government of Cambodia are tak-
3 ing effective steps to address allegations of corruption and
4 mismanagement within the tribunal.

5 (d) INDONESIA.—

6 (1) Of the funds appropriated by this Act under
7 the heading “Foreign Military Financing Program”
8 that are available for assistance for Indonesia,
9 \$2,000,000 may not be obligated until the Secretary
10 of State submits to the Committees on Appropria-
11 tions the report on Indonesia required under such
12 heading in the report accompanying this Act.

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

19 (e) PEOPLE’S REPUBLIC OF CHINA.—

20 (1) None of the funds appropriated under the
21 heading “Diplomatic and Consular Programs” in
22 this Act may be obligated or expended for processing
23 licenses for the export of satellites of United States
24 origin (including commercial satellites and satellite
25 components) to the People’s Republic of China un-

1 less, at least 15 days in advance, the Committees on
2 Appropriations are notified of such proposed action.

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

16 (3) Notwithstanding any other provision of law
17 and subject to prior consultation with, and the reg-
18 ular notification procedures of, the Committees on
19 Appropriations, of the funds appropriated under the
20 heading "Economic Support Fund", not less than
21 \$20,000,000 shall be made available to United
22 States institutions of higher education and non-
23 governmental organizations for programs and activi-
24 ties in the People's Republic of China relating to de-

1 mocracy, governance, rule of law, and the environ-
2 ment.

3 (f) PHILIPPINES.—Of the funds appropriated by this
4 Act under the heading “Foreign Military Financing Pro-
5 gram” that are available for assistance for the Philippines,
6 \$3,000,000 may not be obligated until the Secretary of
7 State submits to the Committees on Appropriations the
8 report on the Philippines required under such heading in
9 the report accompanying this Act.

10 (g) TIMOR-LESTE.—Of the funds appropriated by
11 this Act under the heading “Economic Support Fund”,
12 not less than \$1,000,000 shall be made available for high-
13 er education scholarships in Timor-Leste.

14 (h) VIETNAM.—Of the funds appropriated under the
15 heading “Economic Support Fund”, not less than
16 \$15,000,000 shall be made available for remediation of
17 dioxin contaminated sites in Vietnam and may be made
18 available for assistance for the Government of Vietnam,
19 including the military, for such purposes, and not less
20 than \$5,000,000 under the heading “Development Assist-
21 ance” shall be made available for related health/disability
22 activities.

23 INDEPENDENT STATES OF THE FORMER SOVIET UNION

24 SEC. 7063. (a) None of the funds appropriated under
25 the heading “Assistance for Europe, Eurasia and Central

1 Asia” may be made available for assistance for a govern-
2 ment of an Independent State of the former Soviet Union
3 if that government directs any action in violation of the
4 territorial integrity or national sovereignty of any other
5 Independent State of the former Soviet Union, such as
6 those violations included in the Helsinki Final Act, unless
7 the Secretary of State determines that to do so is in the
8 national security interests of the United States.

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

14 (c) 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 on Appropriations not later than 180 days after enactment
2 of this Act and 12 months thereafter, on all United States
3 Government assistance provided to the Government of Uz-
4 bekistan and expenditures made in support of the North-
5 ern Distribution Network in Uzbekistan, including any
6 credible information that such assistance or expenditures
7 are being diverted for corrupt purposes: *Provided further*,
8 That information provided in the report required by the
9 previous proviso may be provided in a classified annex and
10 such annex shall indicate the basis for such classification:
11 *Provided further*, That for the purposes of the application
12 of section 7075(c) to this Act, the report shall be sub-
13 mitted not later than October 1, 2012 and for the pur-
14 poses of the application of section 7076(e) to this Act, the
15 term “assistance” shall not include expanded international
16 military education and training.

17 SOUTH ASIA

18 SEC. 7065. (a) AFGHANISTAN.—

19 (1) LIMITATION.—None of the funds appro-
20 priated or otherwise made available by this Act
21 under the headings “Economic Support Fund” and
22 “International Narcotics Control and Law Enforce-
23 ment” may be obligated for assistance for the Gov-
24 ernment of Afghanistan until the Secretary of State,
25 in consultation with the Administrator of the United

1 States Agency for International Development
2 (USAID), certifies and reports to the Committees on
3 Appropriations that—

4 (A) The funds will be used to support pro-
5 grams and activities that can be sustained by
6 Afghan national, provincial or local govern-
7 ments.

8 (B) The Government of Afghanistan is—

9 (i) reducing corruption and improving
10 governance, including by investigating,
11 prosecuting, sanctioning and/or removing
12 corrupt officials from office and imple-
13 menting financial transparency and ac-
14 countability measures for government insti-
15 tutions and officials (including the Central
16 Bank) as well as conducting oversight of
17 public resources; and

18 (ii) taking credible steps to protect the
19 human rights of Afghan women.

20 (C) Funds will be used to support and
21 strengthen the capacity of Afghan public and
22 private institutions and entities to reduce cor-
23 ruption and to improve transparency and ac-
24 countability of national, provincial and local
25 governments.

1 (D) Representatives of Afghan national,
2 provincial or local governments, and local com-
3 munities and civil society organizations, includ-
4 ing women-led organizations, will be consulted
5 and participate in the design of programs,
6 projects, and activities, including participation
7 in implementation and oversight, and the devel-
8 opment of specific benchmarks to measure
9 progress and outcomes.

10 (2) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
11 SISTANCE.—

12 (A) Funds appropriated or otherwise made
13 available by this Act for assistance for Afghani-
14 stan may not be made available for direct gov-
15 ernment-to-government assistance unless the
16 Secretary of State certifies to the Committees
17 on Appropriations that the relevant Afghan im-
18 plementing agency has been assessed and con-
19 sidered qualified to manage such funds and the
20 Government of the United States and the Gov-
21 ernment of Afghanistan have agreed, in writing,
22 to achievable and sustainable goals, benchmarks
23 for measuring progress, and expected results
24 for the use of such funds, and have established
25 mechanisms within each implementing agency

1 to ensure that such funds are used for the pur-
2 poses for which they were intended: *Provided*,
3 That the assessment procedures of the Depart-
4 ment of State and USAID shall be standardized
5 and provide reasonable assurance of detecting
6 significant vulnerabilities that could result in
7 the waste or misuse of United States funds:
8 *Provided further*, That the Secretary of State
9 should suspend any direct government-to-gov-
10 ernment assistance to an implementing agency
11 if the Secretary has credible information of mis-
12 use of such funds by any such agency: *Provided*
13 *further*, That any such assistance shall be sub-
14 ject to prior consultation with, and the regular
15 notification procedures of, the Committees on
16 Appropriations.

17 (B) Funds appropriated or otherwise made
18 available by this Act for assistance for Afghani-
19 stan may be made available as a United States
20 contribution to the Afghanistan Reconstruction
21 Trust Fund (ARTF) unless the Secretary of
22 State determines and reports to the Committees
23 on Appropriations that the World Bank Moni-
24 toring Agent of the ARTF is unable to conduct
25 its financial control and audit responsibilities

1 due to restrictions on security personnel by the
2 Government of Afghanistan.

3 (3) ASSISTANCE AND OPERATIONS.—

4 (A) Funds appropriated under the head-
5 ings “Economic Support Fund” and “Inter-
6 national Narcotics Control and Law Enforce-
7 ment” in this Act that are available for assist-
8 ance for Afghanistan—

9 (i) shall be made available, to the
10 maximum extent practicable, in a manner
11 that emphasizes the participation of Af-
12 ghan women, and directly improves the se-
13 curity, economic and social well-being, and
14 political status, and protects the rights of,
15 Afghan women and girls and complies with
16 sections 7056 and 7057 of this Act, includ-
17 ing support for the Afghan Independent
18 Human Rights Commission, the Afghan
19 Ministry of Women’s Affairs, and women-
20 led organizations.

21 (ii) may be made available for a
22 United States contribution to an inter-
23 nationally managed fund to support the
24 reconciliation with and disarmament, de-
25 mobilization and reintegration into Afghan

1 society of former combatants who have re-
2 nounced violence against the Government
3 of Afghanistan: *Provided*, That funds may
4 be made available to support reconciliation
5 and reintegration activities only if:

6 (I) Afghan women are partici-
7 pating at national, provincial and local
8 levels of government in the design,
9 policy formulation and implementation
10 of the reconciliation or reintegration
11 process, and such process upholds
12 steps taken by the Government of Af-
13 ghanistan to protect the human rights
14 of Afghan women; and

15 (II) such funds will not be used
16 to support any pardon or immunity
17 from prosecution, or any position in
18 the Government of Afghanistan or se-
19 curity forces, for any leader of an
20 armed group responsible for crimes
21 against humanity, war crimes, or acts
22 of terrorism;

23 (iii) may be made available for a
24 United States contribution to the North
25 Atlantic Treaty Organization/International

1 Security Assistance Force Post-Operations
2 Humanitarian Relief Fund; and

3 (iv) may be made available, notwith-
4 standing any provision of law that restricts
5 assistance to foreign countries, for cross
6 border stabilization and development pro-
7 grams between Afghanistan and Pakistan
8 or between either country and the Central
9 Asian republics.

10 (B) The authority contained in section
11 1102(c) of Public Law 111–32 shall continue in
12 effect during fiscal year 2012 and shall apply
13 as if part of this Act.

14 (C)(i) Of the funds appropriated by this
15 Act that are made available for assistance for
16 Afghanistan, not less than \$75,000,000 shall be
17 made available for rule of law programs: *Pro-*
18 *vided*, That decisions on the uses of such funds
19 shall be the responsibility of the Coordinator for
20 Rule of Law, in consultation with the Inter-
21 agency Planning and Implementation Team, at
22 the United States Embassy in Kabul, Afghani-
23 stan: *Provided further*, That \$250,000 of such
24 funds shall be transferred to, and merged with,
25 funds appropriated under the heading “Office

1 of Inspector General” in title I of this Act for
2 oversight of such programs and activities.

3 (ii) The Coordinator for Rule of Law at
4 the United States Embassy in Kabul, Afghani-
5 stan shall be consulted on the use of all funds
6 appropriated by this Act for rule of law pro-
7 grams in Afghanistan.

8 (D) None of the funds made available by
9 this Act may be used by the United States Gov-
10 ernment to enter into a permanent basing
11 rights agreement between the United States
12 and Afghanistan.

13 (E) Any significant modification to the
14 scope, objectives or implementation mechanisms
15 of United States assistance programs in Af-
16 ghanistan shall be subject to prior consultation
17 with, and the regular notification procedures of,
18 the Committees on Appropriations, except that
19 the prior consultation requirement may be
20 waived in a manner consistent with section
21 7015(e) of this Act.

22 (F) None of the funds appropriated by this
23 Act under the heading “Economic Support
24 Fund” may be made available for transpor-
25 tation infrastructure in Afghanistan unless the

1 Secretary of State reports to the Committees on
2 Appropriations that the Government of Afghan-
3 istan has established a standardized rail gauge
4 consistent with that utilized by Central Asian
5 states, including Uzbekistan: *Provided*, That
6 the Secretary of State may waive the require-
7 ment of this paragraph if the Secretary of State
8 reports to the Committees on Appropriations
9 that to do so is important to the national secu-
10 rity interests of the United States.

11 (G) Not later than 90 days after enact-
12 ment of this Act, the Secretary of State shall
13 report to the Committees on Appropriations
14 whether an International Monetary Fund
15 (IMF) country program for Afghanistan has
16 been established: *Provided*, That if such pro-
17 gram has not been established by that date, the
18 report required by this paragraph shall include
19 specific actions requested by the IMF, and
20 taken by the Government of Afghanistan, to ad-
21 dress the Kabul Bank crisis and restore con-
22 fidence in Afghanistan's banking sector.

23 (4) OVERSIGHT.—

24 (A) The Special Inspector General for Af-
25 ghanistan Reconstruction, the Inspector Gen-

1 eral of the Department of State and the Inspec-
2 tor General of USAID, shall jointly develop and
3 submit to the Committees on Appropriations
4 within 45 days of enactment of this Act a co-
5 ordinated audit and inspection plan of United
6 States assistance for, and civilian operations in,
7 Afghanistan.

8 (B) The USAID Administrator should pro-
9 vide for independent, transparent evaluations of
10 assistance programs and activities in Afghani-
11 stan which exceed \$25,000,000.

12 (b) NEPAL.—

13 (1) Funds appropriated by this Act under the
14 headings “Foreign Military Financing Program”
15 and “Peacekeeping Operations” may be made avail-
16 able for assistance for Nepal only if the Secretary of
17 State certifies to the Committees on Appropriations
18 that the Nepal Army is—

19 (A) cooperating fully with investigations
20 and prosecutions by civilian judicial authorities
21 of violations of human rights; and

22 (B) working constructively to redefine the
23 Nepal Army’s mission and adjust its size ac-
24 cordingly, implement reforms including
25 strengthening the capacity of the civilian min-

1 istry of defense to improve budget transparency
2 and accountability, and facilitate the integration
3 of former rebel combatants into the security
4 forces including the Nepal Army, consistent
5 with the goals of reconciliation, peace and sta-
6 bility.

7 (2) The conditions in paragraph (1) shall not
8 apply to assistance for humanitarian relief and re-
9 construction activities in Nepal.

10 (c) PAKISTAN.—

11 (1) DIRECT GOVERNMENT-TO-GOVERNMENT AS-
12 SISTANCE.—Funds appropriated by this Act for as-
13 sistance for Pakistan may be made available for di-
14 rect government-to-government assistance only if the
15 Secretary of State certifies to the Committees on
16 Appropriations that the Government of the United
17 States and the Government of Pakistan have agreed,
18 in writing, to achievable and sustainable goals,
19 benchmarks for measuring progress, and expected
20 results for the use of such funds, and have estab-
21 lished mechanisms within each implementing agency
22 to ensure that such funds are used for the purposes
23 for which they were intended: *Provided*, That the
24 Secretary of State should suspend any direct govern-
25 ment-to-government assistance to an implementing

1 agency if the Secretary has credible information of
2 misuse of such funds by any such agency: *Provided*
3 *further*, That funds made available pursuant to this
4 subparagraph shall be subject to prior consultation
5 with, and the regular notification procedures of, the
6 Committees on Appropriations.

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

14 (3) MILITARY ASSISTANCE.—Funds appro-
15 priated by this Act under the headings “Foreign
16 Military Financing Program” and “Pakistan
17 Counter-insurgency Capability Fund” that are avail-
18 able for assistance for Pakistan may be made avail-
19 able only to support counter-terrorism and counter-
20 insurgency operations in Pakistan, and are subject
21 to section 620M of the Foreign Assistance Act of
22 1961, as amended by this Act.

23 (4) CERTIFICATION AND REPORT.—

24 (A) CERTIFICATION.—

1 (i) Prior to the obligation of funds in
2 titles III and IV and under the heading
3 “Pakistan Counter-Insurgency Capability
4 Fund” in this Act for assistance for the
5 Government of Pakistan, the Secretary of
6 State shall certify to the Committees on
7 Appropriations that the Government of
8 Pakistan is—

9 (I) cooperating with the United
10 States in efforts against the Haqqani
11 Network, the Quetta Shura Taliban,
12 Lashkar e-Tayyiba, Al Qaeda and
13 other domestic and foreign terrorist
14 organizations, including taking steps
15 to end support for such groups and
16 prevent them from operating in Paki-
17 stan and carrying out cross border at-
18 tacks into neighboring countries;

19 (II) not impeding the issuance of
20 visas for United States visitors en-
21 gaged in counterterrorism efforts and
22 assistance programs, in Pakistan; and

23 (III) providing humanitarian or-
24 ganizations access to detainees, inter-
25 nally displaced persons, and other

1 Pakistani civilians affected by the con-
2 flict.

3 (ii) The Secretary of State may waive
4 the requirements of paragraph (i) if to do
5 so is in the national security interests of
6 the United States.

7 (B) REPORT.—The spend plan required by
8 section 7083 of this Act for assistance for Paki-
9 stan shall include achievable and sustainable
10 goals, benchmarks for measuring progress, and
11 expected results regarding furthering the devel-
12 opment of Pakistan, countering extremism, and
13 establishing conditions conducive to the rule of
14 law and accountable governance: *Provided*, That
15 not later than 6 months after submission of
16 such spend plan, and each 6 months thereafter
17 until September 30, 2013, the Secretary of
18 State shall submit a report on the status of
19 achieving the goals and benchmarks in the
20 spend plan: *Provided further*, That the Sec-
21 retary of State should suspend assistance for
22 the Government of Pakistan if any such report
23 indicates that Pakistan is failing to make meas-
24 urable progress in meeting any such goal or
25 benchmark.

1 (5) PRECURSOR CHEMICALS.—Funds appro-
2 priated under the heading “Economic Support
3 Fund” that are available for assistance for Pakistan
4 should be made available to stop the flow of pre-
5 cursor materials used to manufacture Improvised
6 Explosive Devices, including calcium ammonium ni-
7 trate, from Pakistan to Afghanistan, including pro-
8 grams to train border and customs officials in Paki-
9 stan and Afghanistan as well as agricultural exten-
10 sion programs that encourage alternative fertilizers
11 among Pakistani farmers.

12 (6) HUMAN RIGHTS AND DEMOCRACY.—Of the
13 funds appropriated under the heading “Economic
14 Support Fund” in this Act for assistance for Paki-
15 stan \$5,000,000 shall be made available through the
16 Bureau of Democracy, Human Rights and Labor,
17 Department of State, for human rights and democ-
18 racy programs in Pakistan, including training of
19 government officials and security forces, and assist-
20 ance for human rights organizations and the devel-
21 opment of democratic political parties.

22 (7) CHIEF OF MISSION.—Of the funds appro-
23 priated under the heading “Economic Support
24 Fund” in this Act for assistance for Pakistan, up to
25 \$10,000,000 may be made available to the Chief of

1 Mission to address unanticipated humanitarian
2 needs: *Provided*, That such funds shall be subject to
3 prior consultation with, and the regular notification
4 procedures of, the Committees on Appropriations,
5 except that the prior consultation requirement may
6 be waived in a manner consistent with section
7 7015(e) of this Act.

8 (d) SRI LANKA.—

9 (1) None of the funds appropriated by this Act
10 under the headings “Foreign Military Financing
11 Program” and “Peacekeeping Operations” may be
12 made available for assistance for Sri Lanka, no de-
13 fense export license may be issued, and no military
14 equipment or technology shall be sold or transferred
15 to Sri Lanka pursuant to the authorities contained
16 in this Act or any other Act, unless the Secretary of
17 State certifies to the Committees on Appropriations
18 that the Government of Sri Lanka is—

19 (A) conducting credible, thorough inves-
20 tigations of alleged war crimes and violations of
21 international humanitarian law by government
22 forces and the Liberation Tigers of Tamil
23 Eelam;

1 (B) bringing to justice individuals who
2 have been credibly alleged to have committed
3 such violations;

4 (C) supporting and cooperating with any
5 United Nations investigation of alleged war
6 crimes and violations of international humani-
7 tarian law;

8 (D) respecting due process, the rights of
9 journalists, and the rights of citizens to peace-
10 ful expression and association, including ending
11 arrest and detention under emergency regula-
12 tions;

13 (E) providing access to detainees by hu-
14 manitarian organizations; and

15 (F) implementing policies to promote rec-
16 onciliation and justice including devolution of
17 power as provided for in the Constitution of Sri
18 Lanka.

19 (2) Paragraph (2) shall not apply to assistance
20 for humanitarian demining and aerial and maritime
21 surveillance.

22 (3) If the Secretary makes the certification re-
23 quired in paragraph (2), funds appropriated under
24 the heading “Foreign Military Financing Program”
25 that are made available for assistance for Sri Lanka

1 should be used to support the recruitment and train-
2 ing of Tamils into the Sri Lankan military, Tamil
3 language training for Sinhalese military personnel,
4 and human rights training for all military personnel.

5 (4) The Secretary of the Treasury shall instruct
6 the United States executive directors of the inter-
7 national financial institutions to vote against any
8 loan, agreement, or other financial support for Sri
9 Lanka except to meet basic human needs, unless the
10 Secretary of State certifies to the Committees on
11 Appropriations that the Government of Sri Lanka is
12 meeting the requirements in paragraph (2)(D), (E),
13 and (F) of this subsection.

14 ENTERPRISE FUNDS

15 SEC. 7066. (a) Prior to the distribution of any assets
16 resulting from any liquidation, dissolution, or winding up
17 of an Enterprise Fund, in whole or in part, the President
18 shall submit to the Committees on Appropriations, in ac-
19 cordance with the regular notification procedures of the
20 Committees on Appropriations, a plan for the distribution
21 of the assets of the Enterprise Fund.

22 (b) Funds made available under titles III through VI
23 of this Act for Enterprise Funds shall be expended at the
24 minimum rate necessary to make timely payment for
25 projects and activities and shall be subject to the regular

1 notification procedures of the Committees on Appropria-
2 tions.

3 OVERSEAS PRIVATE INVESTMENT CORPORATION

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 7067. (a) Whenever the President determines
6 that it is in furtherance of the purposes of the Foreign
7 Assistance Act of 1961, up to a total of \$20,000,000 of
8 the funds appropriated under title III of this Act may be
9 transferred to, and merged with, funds appropriated by
10 this Act for the Overseas Private Investment Corporation
11 Program Account, to be subject to the terms and condi-
12 tions of that account: *Provided*, That such funds shall not
13 be available for administrative expenses of the Overseas
14 Private Investment Corporation: *Provided further*, That
15 designated funding levels in this Act shall not be trans-
16 ferred pursuant to this section: *Provided further*, That the
17 exercise of such authority shall be subject to the regular
18 notification procedures of the Committees on Appropria-
19 tions.

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

1 EXTRADITION

2 SEC. 7068. (a) None of the funds appropriated in this
3 Act may be used to provide assistance (other than funds
4 provided under the headings “International Narcotics
5 Control and Law Enforcement”, “Migration and Refugee
6 Assistance”, “Emergency Migration and Refugee Assist-
7 ance”, and “Nonproliferation, Anti-terrorism, Demining
8 and Related Assistance”) for the central government of
9 a country which has notified the Department of State of
10 its refusal to extradite to the United States any individual
11 indicted for a criminal offense for which the maximum
12 penalty is life imprisonment without the possibility of pa-
13 role or for killing a law enforcement officer, as specified
14 in a United States extradition request.

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

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

1 CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

2 SEC. 7069. (a) IN GENERAL.—Of the funds appro-
3 priated by this Act, up to \$1,250,000,000 may be made
4 available for programs and activities to—

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

7 (2) support climate change adaptation; and

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

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

18 (c) TROPICAL FOREST PROGRAMS.—Funds appro-
19 priated under title III of this Act for tropical forest pro-
20 grams shall be used to protect biodiversity, including not
21 less than \$2,000,000 to implement and enforce section
22 8204 of Public Law 110–246, shall not be used to support
23 or promote the expansion of industrial scale logging into
24 primary tropical forests, and shall be subject to prior con-
25 sultation with, and the regular notification procedures of,

1 the Committees on Appropriations: *Provided*, That of the
2 funds that are available for the Central African Regional
3 Program for the Environment (CARPE) and other trop-
4 ical forest programs in the Congo Basin, not less than
5 \$9,000,000 shall be apportioned directly to the United
6 States Fish and Wildlife Service to implement such pro-
7 grams: *Provided further*, That not less than \$10,000,000
8 shall be made available for biodiversity conservation pro-
9 grams in the Brazilian Amazon, not less than \$15,000,000
10 shall be made available for such programs in the Andean
11 Amazon, and not less than \$1,000,000 shall be appor-
12 tioned directly to the Department of the Interior for pro-
13 grams in the Guatemala Mayan Biosphere Reserve.

14 (d) AUTHORITY.—Funds appropriated by this Act to
15 carry out the provisions of sections 103 through 106, and
16 chapter 4 of part II, of the Foreign Assistance Act of 1961
17 may be used, notwithstanding any other provision of law
18 except for the provisions of this section and subject to the
19 regular notification procedures of the Committees on Ap-
20 propriations, to support climate change and environment
21 programs.

22 (e) CONSULTATION.—Funds made available pursuant
23 to this section are subject to prior consultation with, and
24 the regular notification procedures of, the Committees on
25 Appropriations.

1 (f) EXTRACTION OF NATURAL RESOURCES.—

2 (1) Funds appropriated by this Act shall be
3 made available to promote and support transparency
4 and accountability of expenditures and revenues re-
5 lated to the extraction of natural resources, includ-
6 ing by strengthening implementation and monitoring
7 of the Extractive Industries Transparency Initiative,
8 section 8204 of Public Law 110–246, and the Kim-
9 berley Process Certification Scheme, and by pro-
10 viding technical assistance to promote independent
11 audit mechanisms and support civil society partici-
12 pation in natural resource management.

13 (2)(A) The Secretary of the Treasury shall in-
14 form the managements of the international financial
15 institutions and post on the Department of the
16 Treasury’s Web site that it is the policy of the
17 United States to vote against any assistance by such
18 institutions (including but not limited to any loan,
19 credit, grant, or guarantee) for the extraction and
20 export of a natural resource if the government of the
21 country has in place laws or regulations to prevent
22 or limit the public disclosure of company payments
23 as required by section 1504 of Public Law 111–203,
24 and unless such government has in place functioning

1 systems in the sector in which assistance is being
2 considered for:

3 (i) accurately accounting for and public
4 disclosure of payments to the host government
5 by companies involved in the extraction and ex-
6 port of natural resources;

7 (ii) the independent auditing of accounts
8 receiving such payments and public disclosure
9 of the findings of such audits;

10 (iii) public disclosure of such documents as
11 Host Government Agreements, Concession
12 Agreements, and bidding documents, allowing
13 in any such dissemination or disclosure for the
14 redaction of, or exceptions for, information that
15 is commercially proprietary or that would create
16 competitive disadvantage.

17 (B) The requirements of subparagraph (A)
18 shall not apply to assistance for the purpose of
19 building the capacity of such government to meet
20 the requirements of this paragraph.

21 (C) Not later than 180 days after enactment of
22 this Act, the Secretary of the Treasury shall submit
23 a report to the Committees on Appropriations de-
24 scribing, for each international financial institution,
25 the amount and type of assistance provided, by

1 country, for the extraction and export of natural re-
2 sources in the preceding 12 months, whether each
3 institution considered, in providing such assistance,
4 the extent to which the country has functioning sys-
5 tems, laws or regulations in place to prevent or limit
6 disclosure of company payments as described in sub-
7 paragraph (A).

8 (3) The Secretary of the Treasury or the Sec-
9 retary of State, as appropriate, shall instruct the
10 United States executive director of each inter-
11 national financial institution and the United States
12 representatives to all forest-related multilateral fi-
13 nancing mechanisms and processes, that it is the
14 policy of the United States to vote against the ex-
15 pansion of industrial scale logging into primary trop-
16 ical forests.

17 (g) CLEAN TECHNOLOGY FUND.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—For
19 fiscal year 2011, up to \$350,000,000 is authorized
20 to be appropriated for a United States contribution
21 to the Clean Technology Fund (the Fund).

22 (2) LIMITS ON COUNTRY ACCESS.—The Sec-
23 retary of the Treasury shall use the voice and vote
24 of the United States to ensure that—

1 (A) the Fund does not provide more than
2 15 percent of Fund resources to any one coun-
3 try;

4 (B) prior to the obligation of funds from
5 the Fund to a recipient country, recipient coun-
6 tries shall submit to the governing body of the
7 Fund, and the governing body of the Fund ap-
8 propriately reviews and considers, an invest-
9 ment plan that will achieve significant net re-
10 ductions in national-level greenhouse gas emis-
11 sions;

12 (C) the investment plan for a recipient
13 country, whose borrowing status is classified by
14 the World Bank as “International Development
15 Association blend”, shall have at least 15 per-
16 cent of its total cost for public sector activities
17 contributed from the public funds of the recipi-
18 ent country, and any recipient country whose
19 borrowing status is classified by the World
20 Bank as “International Bank for Reconstruc-
21 tion and Development Only” status, shall have
22 at least 25 percent of its total cost for public
23 sector activities contributed from public funds
24 of the recipient country; and

1 (D) assistance made available by the Fund
2 is used exclusively to support the deployment of
3 clean energy technologies in developing coun-
4 tries (including, where appropriate, through the
5 provision of technical support or support for
6 policy or institutional reforms) in a manner
7 that achieves substantial net reductions in
8 greenhouse gas emissions.

9 (3) DEFINITIONS.—For purposes of this sub-
10 section the definitions contained in section
11 7081(g)(4) of division F of Public Law 111–117
12 shall apply to this Act, except that “Public Sector
13 Activities” shall mean “Public Funds”.

14 PROHIBITION ON PROMOTION OF TOBACCO

15 SEC. 7070. None of the funds provided by this Act
16 shall be available to promote the sale or export of tobacco
17 or tobacco products, or to seek the reduction or removal
18 by any foreign country of restrictions on the marketing
19 of tobacco or tobacco products, except for restrictions
20 which are not applied equally to all tobacco or tobacco
21 products of the same type.

22 COMMERCIAL LEASING OF DEFENSE ARTICLES

23 SEC. 7071. The second sentence of section 23(a) of
24 the Arms Export Control Act, as amended, (Public Law
25 96–29) is further amended by striking “and Egypt” and

1 inserting “, Egypt, and NATO and major non-NATO al-
2 lies”.

3 INTERNATIONAL PRISON CONDITIONS

4 SEC. 7072. (a) Not later than 180 days after enact-
5 ment of this Act, the Secretary of State shall submit to
6 the Committees on Appropriations a report, which shall
7 also be made publicly available including on the Depart-
8 ment of State’s Web site, describing the conditions in pris-
9 ons and other detention facilities in at least 30 countries
10 receiving United States assistance, of which 15 countries
11 shall be selected based on the Secretary’s determination
12 that such conditions raise the most serious human rights
13 or humanitarian concerns, and 15 countries shall be se-
14 lected at random.

15 (b) For purposes of each determination made pursu-
16 ant to subsection (a), the Secretary shall consider the cri-
17 teria listed in section 7085(b)(1 through 10) of division
18 F of Public Law 111–117.

19 (c) Funds appropriated by this Act to carry out the
20 provisions of chapters 1 and 11 of part I and chapter 4
21 of part II of the Foreign Assistance Act of 1961, and the
22 Support for East European Democracy (SEED) Act of
23 1989, shall be made available, notwithstanding section
24 660 of the Foreign Assistance Act of 1961, for assistance

1 (B) ensure that the OIG has the necessary
2 staff, budget, independence, and authority to
3 perform functions consistent with its mandate,
4 Charter and Terms of Reference, such as pro-
5 grammatic audits and evaluations, financial au-
6 dits, and investigations of alleged misuse, mis-
7 appropriation and fraud involving any Global
8 Fund grant resources; and

9 (C) ensure that the Inspector General re-
10 ports directly to the Global Fund Board with-
11 out interference.

12 (3) Of the funds appropriated under the head-
13 ing “Contributions for International Peacekeeping
14 Activities” in this Act, 10 percent should not be obli-
15 gated until the Secretary of State reports to the
16 Committees on Appropriations that the United Na-
17 tions Secretariat and the governments of countries
18 providing troops for peacekeeping missions have pro-
19 cedures and agreements to ensure that allegations of
20 sexual abuse or other serious crimes by peacekeeping
21 troops will be credibly and thoroughly investigated
22 and the perpetrators brought to justice, and that in-
23 formation about such cases will be made publicly
24 available and regularly updated in the country where

1 the alleged crime occurred and on the United Na-
2 tions' Web site.

3 (4) Of the funds appropriated under title I of
4 this Act that are available for payments to the reg-
5 ular budgets of the United Nations and the Organi-
6 zation of American States, and of the funds appro-
7 priated under the heading "International Organiza-
8 tions and Programs" in this Act that are available
9 for contributions to United Nations agencies, 10
10 percent should not be obligated for any such organi-
11 zation until the Secretary of State reports to the
12 Committees on Appropriations that the organization
13 is implementing effective practices to protect whistle-
14 blowers (including the organization's employees and
15 others affected by the organization's operations)
16 from retaliation for internal and lawful public disclo-
17 sures, including—

18 (A) best practices for legal burdens of
19 proof;

20 (B) access to independent adjudicative
21 bodies, including external arbitration based on
22 consensus selection and shared costs;

23 (C) results that eliminate the effects of
24 proven retaliation;

1 (D) a minimum of a 6-month statute of
2 limitations for reporting retaliation; and

3 (E) the option of making external diselo-
4 sures in certain instances, in accordance with
5 standards adopted by the United Nations Sec-
6 retariat on December 19, 2005.

7 (5) Of the funds appropriated under the head-
8 ing “International Organizations and Programs” in
9 this Act that are available for a contribution to the
10 United Nations Development Program (UNDP), 10
11 percent should not be obligated until the Secretary
12 of State reports to the Committees on Appropria-
13 tions that the UNDP’s management is taking the
14 necessary steps to demonstrate UNDP’s commit-
15 ment to make all audit, oversight, and financial in-
16 formation publicly available as soon as possible, and
17 to put in place procedures for publicly reporting on
18 the results of UNDP programs worldwide.

19 (6) Notwithstanding any other provision of law,
20 the Secretary of State should suspend United States
21 participation in the United Nations Human Rights
22 Council (the Council) unless the Secretary deter-
23 mines and reports to the Committees on Appropria-
24 tions that continued participation in the Council is
25 in the national interests of the United States.

1 (b) INTERNATIONAL MONETARY FUND.—

2 (1) The terms and conditions of section
3 7086(b)(1) and (2) of division F of Public Law 111–
4 117 shall apply to this Act.

5 (2) The Secretary of the Treasury shall instruct
6 the United States Executive Director of the Inter-
7 national Monetary Fund (IMF) to seek to ensure
8 that any loan will be repaid to the IMF before other
9 private creditors.

10 (3) The Secretary of the Treasury shall seek to
11 ensure that the IMF has adopted and is imple-
12 menting effective practices to protect whistleblowers
13 (including the IMF’s employees, contract employees,
14 consultants, staff of the Board of Executive Direc-
15 tors, and others affected by the IMF’s operations)
16 from retaliation for internal and lawful public disclo-
17 sures, including—

18 (A) best practices for legal burdens of
19 proof;

20 (B) access to independent adjudicative
21 bodies, including external arbitration based on
22 consensus selection and shared costs;

23 (C) results that eliminate the effects of
24 proven retaliation; and

1 (D) a minimum of a 6-month statute of
2 limitations for reporting retaliation.

3 (c) NATIONAL BUDGET AND CONTRACT TRANS-
4 PARENCY.—

5 (1) LIMITATION ON FUNDING.—None of the
6 funds appropriated under titles III and IV of this
7 Act may be made available to the central govern-
8 ment of any country that does not meet minimum
9 standards of fiscal transparency: *Provided*, That the
10 Secretary of State shall develop “minimum stand-
11 ards of fiscal transparency” to be updated and
12 strengthened, as appropriate, to reflect best prac-
13 tices: *Provided further*, That the Secretary shall
14 make an annual determination of “progress” or “no
15 progress” for countries that do not meet minimum
16 standards of fiscal transparency and make those de-
17 terminations publicly available on an annual “Fiscal
18 Transparency Report”.

19 (2) MINIMUM STANDARDS OF FISCAL TRANS-
20 PARENCY.—For the purposes of paragraph (1),
21 “minimum standards of fiscal transparency” shall
22 include standards for the public disclosure of budget
23 documentation, including receipts and expenditures
24 by ministry, and government contracts and licenses

1 for natural resource extraction, to include bidding
2 and concession allocation practices.

3 (3) WAIVER.—The Secretary of State may
4 waive the limitation on funding in paragraph (1) on
5 a country-by-country basis if the Secretary reports
6 to the Committees on Appropriations that the waiver
7 is important to the national interests of the United
8 States: *Provided*, That such waiver shall identify any
9 steps taken by the government of the country to
10 publicly disclose its national budget and contracts
11 which are additional to those which were undertaken
12 in previous fiscal years, include specific rec-
13 ommendations of short and long-term steps such
14 government can take to improve budget trans-
15 parency, and identify benchmarks for measuring
16 progress.

17 (4) ASSISTANCE.—Of the funds appropriated
18 under title III of this Act, not less than \$5,000,000
19 should be made available for programs and activities
20 to assist the central governments of countries named
21 in the list required by paragraph (1) to improve
22 budget transparency or to support civil society orga-
23 nizations in such countries that promote budget
24 transparency: *Provided*, That such sums shall be in

1 addition to funds otherwise made available for such
2 purposes.

3 (d) ANTI-KLEPTOCRACY.—

4 (1) Officials of foreign governments and their
5 immediate family members who the Secretary of
6 State has credible information have been involved in
7 significant corruption, including corruption related
8 to the extraction of natural resources, shall be ineli-
9 gible for entry into the United States.

10 (2) Individuals shall not be ineligible if entry
11 into the United States would further important
12 United States law enforcement objectives or is nec-
13 essary to permit the United States to fulfill its obli-
14 gations under the United Nations Headquarters
15 Agreement: *Provided*, That nothing in this provision
16 shall be construed to derogate from United States
17 Government obligations under applicable inter-
18 national agreements.

19 (3) The Secretary may waive the application of
20 paragraph (1) if the Secretary determines that the
21 waiver would serve a compelling national interest or
22 that the circumstances which caused the individual
23 to be ineligible have changed sufficiently.

24 (4) Not later than 90 days after enactment of
25 this Act and 180 days thereafter, the Secretary of

1 State shall submit a report, in classified form if nec-
2 essary, to the Committees on Appropriations describ-
3 ing the information regarding corruption concerning
4 each of the individuals found ineligible pursuant to
5 paragraph (1), a list of any waivers provided under
6 subsection (3), and the justification for each waiver.

7 DISABILITY PROGRAMS

8 SEC. 7074. (a) Of the funds appropriated by this Act
9 under the heading “Economic Support Fund”, not less
10 than \$5,000,000 shall be made available for programs and
11 activities administered by the United States Agency for
12 International Development (USAID) to address the needs
13 and protect and promote the rights of people with disabil-
14 ities in developing countries, including initiatives that
15 focus on independent living, economic self-sufficiency, ad-
16 vocacy, education, employment, transportation, sports,
17 and integration of individuals with disabilities, including
18 for the cost of translation, of which up to \$1,000,000 shall
19 be made available to support disability advocacy organiza-
20 tions to provide training and technical assistance for dis-
21 abled persons organizations in such countries.

22 (b) Funds appropriated under the heading “Oper-
23 ating Expenses” in title II of this Act shall be made avail-
24 able to develop and implement training for staff in over-
25 seas USAID missions to promote the full inclusion and

1 equal participation of people with disabilities in developing
2 countries.

3 (c) The Secretary of State, the Secretary of the
4 Treasury, and the USAID Administrator shall seek to en-
5 sure that, where practicable, construction projects funded
6 by this Act are accessible to people with disabilities and
7 in compliance with the USAID Policy on Standards for
8 Accessibility for the Disabled, or other similar accessibility
9 standards.

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

13 BUYING POWER MAINTENANCE, INTERNATIONAL
14 ORGANIZATIONS

15 SEC. 7075. (a) There may be established in the
16 Treasury of the United States a “Buying Power Mainte-
17 nance, International Organizations” account.

18 (b) At the end of each fiscal year, the Secretary of
19 State may transfer to, and merge with, “Buying Power
20 Maintenance, International Organizations” such amounts
21 from “Contributions to International Organizations” as
22 the Secretary determines are in excess of the needs of ac-
23 tivities funded from “Contributions to International Orga-
24 nizations” because of fluctuations in foreign currency ex-
25 change rates.

1 (c) In order to offset adverse fluctuations in foreign
2 currency exchange rates, the Secretary of State may
3 transfer to, and merge with, “Contributions to Inter-
4 national Organizations” such amounts from “Buying
5 Power Maintenance, International Organizations” as the
6 Secretary determines are necessary to provide for the ac-
7 tivities funded from “Contributions to International Orga-
8 nizations”.

9 (d)(1) Subject to the limitations contained in this sec-
10 tion, not later than the end of the fifth fiscal year after
11 the fiscal year for which funds are appropriated or other-
12 wise made available for “Contributions to International
13 Organizations”, the Secretary of State may transfer any
14 unobligated balance of such funds to the “Buying Power
15 Maintenance, International Organizations” account.

16 (2) The balance of the Buying Power Maintenance,
17 International Organizations account may not exceed
18 \$50,000,000 as a result of any transfer under this sub-
19 section.

20 (3) Any transfer pursuant to this subsection shall be
21 treated as a reprogramming of funds under section 34 of
22 the State Department Basic Authorities Act of 1956 (22
23 U.S.C. 2706) and shall be available for obligation or ex-
24 penditure only in accordance with the procedures under
25 such section.

1 (e)(1) Funds transferred to the “Buying Power
2 Maintenance, International Organizations” account pur-
3 suant to this section shall remain available until expended.

4 (2) The transfer authorities in this section shall be
5 available for funds appropriated for fiscal year 2012 and
6 for each fiscal year thereafter, and are in addition to any
7 transfer authority otherwise available to the Department
8 of State under other provisions of law.

9 PROHIBITION ON FIRST-CLASS TRAVEL

10 SEC. 7076. None of the funds made available in this
11 Act may be used for first-class travel by employees of
12 agencies funded by this Act in contravention of sections
13 301–10.122 through 301–10.124 of title 41, Code of Fed-
14 eral Regulations.

15 MILLENNIUM CHALLENGE CORPORATION COMPACTS

16 SEC. 7077. (a) EXTENSION OF COMPACTS.—Section
17 609(j) of the Millennium Challenge Act of 2003 (22
18 U.S.C. 7708(j)) is amended to read as follows:

19 “(j) EXTENSION OF COMPACT.—

20 “(1) IN GENERAL.—Except as provided under
21 paragraph (2), the duration of a Compact shall not
22 exceed 5 years.

23 “(2) EXCEPTION.—The duration of a Compact
24 may be extended beyond 5 years if the Board—

1 “(A) determines that a project included in
2 the Compact cannot be completed within 5
3 years; and

4 “(B) approves an extension of the Compact
5 that does not extend the total duration of the
6 Compact beyond 7 years.

7 “(3) CONGRESSIONAL NOTIFICATION.—Not
8 later than 15 days before the date on which the
9 Board is scheduled to vote on the extension of a
10 Compact beyond 5 years pursuant to paragraph (2),
11 the Board, acting through the Chief Executive Offi-
12 cer, shall—

13 “(A) notify the Committees on Appropria-
14 tions, the Committee on Foreign Relations of
15 the Senate and the Committee on Foreign Af-
16 fairs of the House of Representatives, of its in-
17 tent to approve such extension; and

18 “(B) provide such committees with a de-
19 tailed explanation for the determination and ap-
20 proval described in paragraph (2).”.

21 (b) CONCURRENT AND SUBSEQUENT COMPACTS.—
22 Section 609(k) of such Act (22 U.S.C. 7708(k)) is amend-
23 ed to read as follows:

24 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 and in accordance with the requirements of this
3 title, an eligible country and the United States may
4 enter into and have in effect concurrent and/or sub-
5 sequent Compacts.

6 “(2) REQUIREMENTS.—An eligible country and
7 the United States may enter into concurrent or sub-
8 sequent Compacts if the Board determines that such
9 country—

10 “(A) is making significant, consistent
11 progress in implementing the terms of its exist-
12 ing Compact(s) and supplementary agreements
13 to such Compact(s); and

14 “(B) will contribute, in the case of a Low
15 Income Country as defined in section 606(a),
16 not less than a 7.5 percent contribution of the
17 total amount agreed upon for a subsequent
18 Compact, or in the case of a Lower Middle In-
19 come Country (LMIC) as defined in section
20 606(b), a 15 percent contribution for a subse-
21 quent Compact.

22 “(3) FUNDING.—Millennium Challenge Cor-
23 poration (MCC) shall commit any funding for a con-
24 current Compact at the time it funds the Compact.

1 “(4) TIMING.—A concurrent Compact shall be
2 signed not later than 2 years after the signing of the
3 earlier compact.

4 “(5) LIMITATION ON COMPACTS.—The MCC
5 shall provide no more than 15 years of compact
6 funding to any country.”.

7 (c) APPLICABILITY.—The amendments made by sub-
8 section (a) shall apply with respect to Compacts entered
9 into between the United States and an eligible country
10 under the Millennium Challenge Act of 2003 (22 U.S.C.
11 7701 et seq.) before, on or after enactment of this Act,
12 and those made by subsection (b) shall apply prospectively
13 to new compacts.

14 (d) MAINTAINING CANDIDATE STATUS FOR PUR-
15 POSES OF INCOME CATEGORY.—Section 606 of the Mil-
16 lennium Challenge Act of 2003 (22 U.S.C. 7705) is
17 amended as follows:

18 (1) Section (a)(1) is amended by striking the
19 words “**Fiscal year 2004**” and inserting “**In**
20 **general**”, and by striking the words “for fiscal
21 year 2004” and inserting “for a fiscal year”.

22 (2) Section (a)(1)(A) is stricken and replaced
23 with the following: “The country has a per capita in-
24 come equal to or below the World Bank’s lower mid-
25 dle income country threshold for the fiscal year in-

1 involved and is among the 75 lowest per capita income
2 countries as identified by the World Bank; and”;

3 (3) Section (a)(2) is stricken.

4 (4) Section (b)(1)(A) is stricken and replaced
5 with the following: “has a per capita income equal
6 to or below the World Bank’s lower middle income
7 country threshold for the fiscal year involved and is
8 not among the 75 lowest per capita income countries
9 as identified by the World Bank; and”.

10 (e) Section 606 is amended by inserting the fol-
11 lowing—

12 “(d) INCOME CLASSIFICATION TRANSITION.—Any
13 country with a per capita income that changes in a given
14 fiscal year such that the country would be reclassified in
15 that fiscal year from a low income country to a lower mid-
16 dle income country or from a lower middle income country
17 to a low income country shall retain its candidacy status
18 in its former income classification for the fiscal year of
19 the country’s transition and the two subsequent fiscal
20 years.”.

21 INSPECTORS GENERAL PERSONNEL

22 SEC. 7078. (a)(1) The provisions in this section shall
23 apply to the Inspector General of the Department of State
24 and the Inspector General of the United States Agency
25 for International Development (USAID).

1 (2) The term “Government Employee” has the mean-
2 ing given the term employee in section 2105 of title 5,
3 United States Code.

4 (3) The Inspector General may waive any of the fol-
5 lowing provisions to employ annuitants (individuals who
6 are entitled to benefits under a retirement system for Gov-
7 ernment employees): subsections (a) through (d) of section
8 8344 of title 5, United States Code; subsections (a), (b)
9 and (e) of section 8468 of title 5, United States Code;
10 subsections (a) through (d) of section 824 of the Foreign
11 Service Act of 1980 (22 U.S.C. 4064); and any other simi-
12 lar provision of law, as identified by the Inspector General
13 in regulations: *Provided*, That the Inspector General may
14 exercise this authority: only on a case-by-case basis and
15 only for so long as is necessary; when necessary due to
16 exceptional difficulty in the recruitment or retention of a
17 qualified employee for the position involved or a temporary
18 emergency hiring need; as long as it does not cause the
19 number of employees within the Office of Inspector Gen-
20 eral (OIG) employed under this or other similar authority
21 to exceed, as of any given date, 15 percent of the total
22 OIG workforce, determined on a full-time equivalent basis;
23 and this authority is repealed on October 1, 2014, except
24 that an annuitant re-employed pursuant to the waiver in

1 this section before October 1, 2014, may continue such
2 employment until not later than September 30, 2015.

3 (4) Nothing in this section may be construed to per-
4 mit or require that any re-employed annuitant benefitting
5 from a waiver of a provision of law set forth in this section
6 be treated as a Government employee for purposes of the
7 retirement system to which such provision relates.

8 (5) The Inspector General is authorized to obtain
9 services under section 3109 of title 5, United States Code,
10 without regard to subsections (d)(1) of such section, and
11 is considered the head of the agency under subsection (b)
12 of such section for purposes of exercising this authority.

13 (A) Services may be obtained by the Inspector
14 General for a period of up to 1 year, with an option
15 to extend such services for an additional 2 years,
16 and that the total number of individuals employed
17 under this section shall not exceed 15 percent of the
18 total Department of State OIG workforce or 5 per-
19 cent of the total USAID OIG workforce, determined
20 on a full-time equivalent basis.

21 (B) The authority to obtain such services shall
22 expire on September 30, 2014 except that an indi-
23 vidual whose service under this subsection is pro-
24 cured before October 1, 2014, may continue to pro-

1 vide such service until not later than September 30,
2 2015.

3 (b) Section 209 of the Foreign Service Act of 1980
4 (22 U.S.C. 3929) is amended by:

5 (1) striking paragraph (5) in subsection (c);

6 and

7 (2) in subsection (d)(2)—

8 (A) adding “and” at the end of subpara-
9 graph (D)

10 (B) striking “; and” and inserting a period
11 at the end of subparagraph (E); and

12 (C) striking subparagraph (F).

13 CONSULAR AFFAIRS PILOT PROGRAMS

14 SEC. 7079. (a) TOURIST VISA SERVICES PILOT PRO-
15 GRAM.—

16 (1)(A) The Secretary of State shall implement
17 the necessary steps, including hiring a sufficient
18 number of consular officers which may include lim-
19 ited non-career appointment officers, in the People’s
20 Republic of China, Brazil, and India to meet the De-
21 partment of State’s standard of interviewing all
22 tourist visa applicants within 30 days of the date of
23 submitting their application.

24 (B) The Secretary of State shall also conduct a
25 risk and benefit analysis regarding the extension of

1 the expiration period for B–1 or B–2 visas for citi-
2 zens of the People’s Republic of China from 1 year
3 to 2 years before requiring consular officers to re-
4 interview a visa applicant.

5 (2) Not later than 90 days after enactment of
6 this Act, the Secretary shall submit a report to the
7 Committees on Appropriations on Consular Affairs
8 programs in the People’s Republic of China, Brazil,
9 and India including steps the Department of State
10 has taken in these countries to meet the State De-
11 partment’s visa processing standards; a 5-year fore-
12 cast of non-immigrant visas for each of these coun-
13 tries and the number of consular officers necessary
14 to meet the State Department’s standards; a com-
15 parison of the Department of State’s 5-year forecast
16 with the Commerce Department’s 5-year visitor ar-
17 rival projections; and the impact of the different pro-
18 jections on visa process times and required number
19 of consular officers.

20 (b) VIDEO CONFERENCE PILOT PROGRAM.—

21 (1) The Secretary of State may develop and
22 conduct a pilot program for the processing of B–1
23 and B–2 visas using secure remote videoconferencing
24 technology as a method for conducting visa inter-
25 views of applicants, and in consultation with other

1 Federal agencies that use such secure communica-
2 tions to help ensure security of the videoconferencing
3 transmission and encryption.

4 (2) Not later than 90 days after the end of
5 such a pilot program, the Secretary shall submit a
6 report to the Committees on Appropriations detail-
7 ing the results of such program including an assess-
8 ment of the efficacy, efficiency, and security of the
9 remote videoconferencing technology as a method for
10 conducting visa interviews of applicants and rec-
11 ommendations for whether it should be continued,
12 broadened, or modified.

13 (3) No pilot program should be conducted if the
14 Secretary determines and reports to the Committees
15 on Appropriations that such program poses an
16 undue security risk and that it cannot be conducted
17 in a manner consistent with maintaining security
18 controls.

19 WORKING CAPITAL FUND

20 SEC. 7080. (a) The Administrator of the United
21 States Agency for International Development (the Admin-
22 istrator) is authorized to establish a Working Capital
23 Fund (in this section referred to as the “Fund”).

24 (b) Funds deposited in the Fund during any fiscal
25 year shall be available without fiscal year limitation and

1 used, in addition to other funds available for such pur-
2 poses, for agency procurement reform efforts and related
3 administrative costs: *Provided*, That such expenses may
4 include—

- 5 (1) personal and non-personal services;
- 6 (2) training;
- 7 (3) supplies; and
- 8 (4) other administrative costs related to the im-
9 plementation of procurement reform and manage-
10 ment of the Fund.

11 (c) There may be deposited during any fiscal year in
12 the Fund up to 1 percent of the total value of obligations
13 entered into by the United States Agency for International
14 Development (USAID) from appropriations available to
15 USAID and any appropriation made available for the pur-
16 pose of providing capital: *Provided*, That receipts from the
17 disposal of, or repayments for the loss or damage to, prop-
18 erty held in the Fund, rebates, reimbursements, refunds
19 and other credits applicable to the operation of the Fund
20 may be deposited into the Fund.

21 (d) Not later than 45 days after enactment of this
22 Act and any subsequent Act making appropriations for the
23 Department of State, foreign operations, and related pro-
24 grams, the Administrator shall submit to the Committees
25 on Appropriations an operating plan for funds deposited

1 in the Fund, which shall include the percentage to be
2 charged for the current fiscal year.

3 (e) At the close of fiscal year 2013 and at the close
4 of each fiscal year thereafter, the Administrator shall de-
5 termine the amounts in excess of the needs of the Fund
6 for that fiscal year and shall transfer out of the Fund any
7 excess amounts to any of the original appropriation ac-
8 counts from which deposits were made: *Provided*, That
9 such transferred funds shall remain available without fis-
10 cal year limitation: *Provided further*, That the Adminis-
11 trator shall report to the Committees on Appropriation the
12 excess amounts and to which appropriation accounts the
13 excess funds will be transferred: *Provided further*, That
14 such transfers shall be subject to the regular notification
15 procedures of the Committees on Appropriations.

16 PROCUREMENT REFORM

17 SEC. 7081. (a) LOCAL COMPETITION.—Notwith-
18 standing any other provision of law, the Administrator of
19 the United States Agency for International Development
20 (the Administrator) may, with funds made available in
21 this Act and prior Acts making appropriations for the De-
22 partment of State, foreign operations, and related pro-
23 grams, award contracts and other instruments in which
24 competition is limited to local entities if doing so would
25 result in cost savings, develop local capacity, or enable the

1 Administrator to initiate a program or activity in appre-
2 ciably less time than if competition were not so limited:
3 *Provided*, That the authority provided in this section may
4 not be used to make awards in excess of \$5,000,000.

5 (b) For the purposes of this section, local entity
6 means an individual, a corporation, or another body of
7 persons located in or having as its principal place of busi-
8 ness or operations in a country receiving assistance from
9 funds appropriated in title III of this Act.

10 OPERATING AND SPEND PLANS

11 SEC. 7082. (a) OPERATING PLANS.—Not later than
12 45 days after the date of enactment of this Act, each de-
13 partment, agency or organization funded in titles I and
14 II, and the Department of the Treasury and Independent
15 Agencies funded in title III of this Act shall submit to
16 the Committees on Appropriations an operating plan for
17 funds appropriated to such department, agency, or organi-
18 zation in such titles of this Act, or funds otherwise avail-
19 able for obligation in fiscal year 2012, that provides de-
20 tails of the use of such funds at the program, project, and
21 activity level.

22 (b) SPEND PLANS.—Prior to the initial obligation of
23 funds, the Secretary of State, in consultation with the Ad-
24 ministrator of the United States Agency for International
25 Development, shall submit to the Committees on Appro-

1 priations a detailed spend plan, which shall include achiev-
2 able and sustainable goals, benchmarks for measuring
3 progress, and expected results, for the following—

4 (1) funds appropriated under the heading “De-
5 mocracy Fund”;

6 (2) funds made available in titles III and IV of
7 this Act for assistance for Afghanistan, Pakistan,
8 Iraq, Haiti, Colombia, and Mexico, for the Carib-
9 bean Basin Security Initiative, and the Central
10 American Regional Security Initiative; and

11 (3) funds appropriated in title III for food secu-
12 rity and agriculture development programs and for
13 climate change and environment programs.

14 (c) NOTIFICATIONS.—The spend plans referenced in
15 subsection (b) shall not be considered as meeting the noti-
16 fication requirements under section 7015 of this Act or
17 under section 634A of the Foreign Assistance Act of 1961.

18 AUTHORITY FOR CAPITAL INCREASES

19 SEC. 7083. (a) INTERNATIONAL BANK FOR RECON-
20 STRUCTION AND DEVELOPMENT.—The Bretton Woods
21 Agreements Act, as amended (22 U.S.C. 286 et seq.), is
22 further amended by adding at the end thereof the fol-
23 lowing new sections:

1 **“SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTI-**
2 **CLES OF AGREEMENT OF THE BANK TO IN-**
3 **CREASE BASIC VOTES.**

4 “The United States Governor of the Bank may accept
5 on behalf of the United States the amendment to the Arti-
6 cles of Agreement of the Bank as proposed in resolution
7 No. 596, entitled ‘Enhancing Voice and Participation of
8 Developing and Transition Countries,’ of the Board of
9 Governors of the Bank that was approved by such Board
10 on January 30, 2009.

11 **“SEC. 70. CAPITAL STOCK INCREASES.**

12 “(a) INCREASES AUTHORIZED.—The United States
13 Governor of the Bank is authorized—

14 “(1)(A) to vote in favor of a resolution to in-
15 crease the capital stock of the Bank on a selective
16 basis by 230,374 shares; and

17 “(B) to subscribe on behalf of the United
18 States to 38,459 additional shares of the capital
19 stock of the Bank, as part of the selective increase
20 in the capital stock of the Bank, except that any
21 subscription to such additional shares shall be effec-
22 tive only to such extent or in such amounts as are
23 provided in advance in appropriations Acts;

24 “(2)(A) to vote in favor of a resolution to in-
25 crease the capital stock of the Bank on a general
26 basis by 484,102 shares; and

1 “(B) to subscribe on behalf of the United
2 States to 81,074 additional shares of the capital
3 stock of the Bank, as part of the general increase
4 in the capital stock of the Bank, except that any
5 subscription to such additional shares shall be effec-
6 tive only to such extent or in such amounts as are
7 provided in advance in appropriations Acts.

8 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
9 PRIATIONS.—

10 “(1) In order to pay for the increase in the
11 United States subscription to the Bank under sub-
12 section (a)(2)(B), there are authorized to be appro-
13 priated, without fiscal year limitation,
14 \$9,780,361,991 for payment by the Secretary of the
15 Treasury.

16 “(2) Of the amount authorized to be appro-
17 priated under paragraph (2)(A)—

18 “(A) \$586,821,720 shall be for paid in
19 shares of the Bank; and

20 “(B) \$9,193,540,271 shall be for callable
21 shares of the Bank.”.

22 (b) INTERNATIONAL FINANCE CORPORATION.—The
23 International Finance Corporation Act, Public Law 84-
24 350, as amended (22 U.S.C. 282 et seq.), is further

1 amended by adding at the end thereof the following new
2 section:

3 **“SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT**
4 **OF THE ARTICLES OF AGREEMENT.**

5 “(a) VOTE AUTHORIZED.—The United States Gov-
6 ernor of the Corporation is authorized to vote in favor of
7 a resolution to increase the capital stock of the Corpora-
8 tion by \$130,000,000.

9 “(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to Ar-
12 ticle IV, Section 3(a) of the Articles of Agreement of the
13 Corporation that achieves an increase in basic votes to
14 5.55 percent of total votes.”.

15 (c) INTER-AMERICAN DEVELOPMENT BANK.—The
16 Inter-American Development Bank Act, Public Law 86-
17 147, as amended (22 U.S.C. 283 et seq.), is further
18 amended by adding at the end thereof the following new
19 section:

20 **“SEC. 41. NINTH CAPITAL INCREASE.**

21 “(a) VOTE AUTHORIZED.—The United States Gov-
22 ernor of the Bank is authorized to vote in favor of a reso-
23 lution to increase the capital stock of the Bank by
24 \$70,000,000,000 as described in Resolution AG-7/10,
25 ‘Report on the Ninth General Capital Increase in the re-

1 sources of the Inter-American Development Bank' as ap-
2 proved by Governors on July 21, 2010.

3 “(b) SUBSCRIPTION AUTHORIZED.—

4 “(1) The United States Governor of the Bank
5 may subscribe on behalf of the United States to
6 1,741,135 additional shares of the capital stock of
7 the Bank.

8 “(2) Any subscription by the United States to
9 the capital stock of the Bank shall be effective only
10 to such extent and in such amounts as are provided
11 in advance in appropriations Acts.

12 “(c) LIMITATIONS ON AUTHORIZATION OF APPRO-
13 PRIATIONS.—

14 “(1) In order to pay for the increase in the
15 United States subscription to the Bank under sub-
16 section (b), there are authorized to be appropriated,
17 without fiscal year limitation, \$21,004,064,337 for
18 payment by the Secretary of the Treasury.

19 “(2) Of the amount authorized to be appro-
20 priated under paragraph (1)—

21 “(A) \$510,090,175 shall be for paid in
22 shares of the Bank; and

23 “(B) \$20,493,974,162 shall be for callable
24 shares of the Bank.”.

1 (d) AFRICAN DEVELOPMENT BANK.—The African
2 Development Bank Act, Public Law 97–35, as amended
3 (22 U.S.C. 290i et seq.), is further amended by adding
4 at the end thereof the following new section:

5 **“SEC. 1344. SIXTH CAPITAL INCREASE.**

6 “(a) SUBSCRIPTION AUTHORIZED.—

7 “(1) The United States Governor of the Bank
8 may subscribe on behalf of the United States to
9 289,391 additional shares of the capital stock of the
10 Bank.

11 “(2) Any subscription by the United States to
12 the capital stock of the Bank shall be effective only
13 to such extent and in such amounts as are provided
14 in advance in appropriations Acts.

15 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
16 PRIATIONS.—

17 “(1) In order to pay for the increase in the
18 United States subscription to the Bank under sub-
19 section (a), there are authorized to be appropriated,
20 without fiscal year limitation, \$4,322,228,221 for
21 payment by the Secretary of the Treasury.

22 “(2) Of the amount authorized to be appro-
23 priated under paragraph (1)—

24 “(A) \$259,341,759 shall be for paid in
25 shares of the Bank; and

1 “(B) \$4,062,886,462 shall be for callable
2 shares of the Bank.”.

3 (e) EUROPEAN BANK FOR RECONSTRUCTION AND
4 DEVELOPMENT.—The European Bank for Reconstruction
5 and Development Act, Section 562(e) of Public Law 101–
6 513, as amended (22 U.S.C. 2901 et seq.), is further
7 amended by adding at the end thereof the following new
8 paragraph:

9 “(12) CAPITAL INCREASE.—

10 “(A) SUBSCRIPTION AUTHORIZED.—

11 “(i) The United States Governor of
12 the Bank may subscribe on behalf of the
13 United States up to 90,044 additional call-
14 able shares of the capital stock of the
15 Bank in accordance with Resolution No.
16 128 as adopted by the Board of Governors
17 of the Bank on May 14, 2010.

18 “(ii) Any subscription by the United
19 States to additional capital stock of the
20 Bank shall be effective only to such extent
21 and in such amounts as are provided in
22 advance in appropriations Acts.

23 “(B) LIMITATIONS ON AUTHORIZATION OF
24 APPROPRIATIONS.—In order to pay for the in-
25 crease in the United States subscription to the

1 Bank under subsection (A), there are author-
2 ized to be appropriated, without fiscal year limi-
3 tation, up to \$1,252,331,952 for payment by
4 the Secretary of the Treasury.”.

5 AUTHORITY FOR REPLENISHMENTS

6 SEC. 7084. (a) INTERNATIONAL DEVELOPMENT AS-
7 SOCIATION.—The International Development Association
8 Act, Public Law 86–565, as amended (22 U.S.C. 284 et
9 seq.), is further amended by adding at the end thereof the
10 following new sections:

11 **“SEC. 26. SIXTEENTH REPLENISHMENT.**

12 “(a) The United States Governor of the International
13 Development Association is authorized to contribute on
14 behalf of the United States \$4,075,500,000 to the six-
15 teenth replenishment of the resources of the Association,
16 subject to obtaining the necessary appropriations.

17 “(b) In order to pay for the United States contribu-
18 tion provided for in subsection (a), there are authorized
19 to be appropriated, without fiscal year limitation,
20 \$4,075,500,000 for payment by the Secretary of the
21 Treasury.

22 **“SEC. 27. MULTILATERAL DEBT RELIEF.**

23 “(a) The Secretary of the Treasury is authorized to
24 contribute, on behalf of the United States, not more than
25 \$474,000,000 to the International Development Associa-

1 tion for the purpose of funding debt relief cost under the
2 Multilateral Debt Relief Initiative incurred in the period
3 governed by the sixteenth replenishment of resources of
4 the International Development Association, subject to ob-
5 taining the necessary appropriations and without preju-
6 dice to any funding arrangements in existence on the date
7 of the enactment of this section.

8 “(b) In order to pay for the United States contribu-
9 tion provided for in subsection (a), there are authorized
10 to be appropriated, without fiscal year limitation, not more
11 than \$474,000,000 for payment by the Secretary of the
12 Treasury.

13 “(c) In this section, the term ‘Multilateral Debt Re-
14 lief Initiative’ means the proposal set out in the G8 Fi-
15 nance Ministers’ Communiqué entitled ‘Conclusions on
16 Development’, done at London, June 11, 2005, and re-
17 affirmed by G8 Heads of State at the Gleneagles Summit
18 on July 8, 2005.”.

19 (b) AFRICAN DEVELOPMENT BANK.—The African
20 Development Fund Act, Public Law 94–302, as amended
21 (22 U.S.C. 290g et seq.), is further amended by adding
22 at the end thereof the following new sections:

23 **“SEC. 221. TWELFTH REPLENISHMENT.**

24 “(a) The United States Governor of the Fund is au-
25 thorized to contribute on behalf of the United States

1 \$585,000,000 to the twelfth replenishment of the re-
2 sources of the Fund, subject to obtaining the necessary
3 appropriations.

4 “(b) In order to pay for the United States contribu-
5 tion provided for in subsection (a), there are authorized
6 to be appropriated, without fiscal year limitation,
7 \$585,000,000 for payment by the Secretary of the Treas-
8 ury.

9 **“SEC. 222. MULTILATERAL DEBT RELIEF.**

10 “(a) The Secretary of the Treasury is authorized to
11 contribute, on behalf of the United States, not more than
12 \$60,000,000 to the African Development Fund for the
13 purpose of funding debt relief costs under the Multilateral
14 Debt Relief Initiative incurred in the period governed by
15 the twelfth replenishment of resources of the African De-
16 velopment Fund, subject to obtaining the necessary appro-
17 priations and without prejudice to any funding arrange-
18 ments in existence on the date of the enactment of this
19 section.

20 “(b) In order to pay for the United States contribu-
21 tion provided for in subsection (a), there are authorized
22 to be appropriated, without fiscal year limitation, not more
23 than \$60,000,000 for payment by the Secretary of the
24 Treasury.

1 ant to a concurrent resolution on the budget or the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 (b) Of the unexpended balances available under the
4 heading “Export and Investment Assistance, Export-Im-
5 port Bank of the United States, Subsidy Appropriation”
6 from prior Acts making appropriations for the Depart-
7 ment of State, foreign operations, and related programs,
8 \$300,000,000 are rescinded.

9 (c) Of the unexpended balances available to the Presi-
10 dent for bilateral economic assistance under the heading
11 “Economic Support Fund” from prior Acts making appro-
12 priations for the Department of State, foreign operations,
13 and related programs, \$150,000,000 are rescinded: *Pro-*
14 *vided*, That no amounts may be rescinded from amounts
15 that were designated by Congress as an emergency re-
16 quirement pursuant to a concurrent resolution on the
17 budget or the Balanced Budget and Emergency Deficit
18 Control Act of 1985.

19 (d) The Secretary of State, as appropriate, shall con-
20 sult with the Committees on Appropriations prior to im-
21 plementing the rescissions made in this section.

1 TITLE VIII
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF STATE
4 ADMINISTRATION OF FOREIGN AFFAIRS
5 DIPLOMATIC AND CONSULAR PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Diplomatic and Con-
8 sular Programs”, \$3,773,701,000, to remain available
9 until September 30, 2013, of which \$236,201,000 is for
10 Worldwide Security Protection and shall remain available
11 until expended: *Provided*, That the Secretary of State may
12 transfer up to \$230,000,000 of the total funds made avail-
13 able under this heading to any other appropriation of any
14 department or agency of the United States, upon the con-
15 currence of the head of such department or agency, to sup-
16 port operations in and assistance for Afghanistan and to
17 carry out the provisions of the Foreign Assistance Act of
18 1961: *Provided further*, That funds appropriated under
19 this heading may be made available pursuant to the au-
20 thority of section 7032(u) of this Act: *Provided further*,
21 That each amount in this paragraph is designated by Con-
22 gress as being for overseas contingency operations pursu-
23 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985 (Public Law
25 99–177), as amended.

1 OFFICE OF INSPECTOR GENERAL

2 For an additional amount for “Office of Inspector
3 General”, \$63,954,000, to remain available until Sep-
4 tember 30, 2013, of which \$16,317,000 shall be for the
5 Special Inspector General for Iraq Reconstruction for re-
6 construction oversight, and \$44,387,000 shall be for the
7 Special Inspector General for Afghanistan Reconstruction
8 for reconstruction oversight: *Provided*, That each amount
9 in this paragraph is designated by Congress as being for
10 overseas contingency operations pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985 (Public Law 99–177), as
13 amended.

14 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
15 ACTIVITIES

16 For an additional amount for “Contributions for
17 International Peacekeeping Activities”, \$17,900,000, to
18 remain available until September 30, 2013: *Provided*,
19 That this amount is designated by Congress as being for
20 overseas contingency operations pursuant to section
21 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985 (Public Law 99–177), as
23 amended.

1 UNITED STATES INSTITUTE FOR PEACE

2 For an additional amount for “United States Insti-
3 tute for Peace”, \$8,411,000, to remain available until
4 September 30, 2013: *Provided*, That this amount is des-
5 ignated by Congress as being for overseas contingency op-
6 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (Public Law 99–177), as amended.

9 UNITED STATES AGENCY FOR INTERNATIONAL
10 DEVELOPMENT

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 OPERATING EXPENSES

13 For an additional amount for “Operating Expenses”,
14 \$106,000,000, to remain available until September 30,
15 2013: *Provided*, That this amount is designated by Con-
16 gress as being for overseas contingency operations pursu-
17 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985 (Public Law
19 99–177), as amended.

20 OFFICE OF INSPECTOR GENERAL

21 For an additional amount for “Office of Inspector
22 General”, \$2,000,000, to remain available until September
23 30, 2013: *Provided*, That this amount is designated by
24 Congress as being for overseas contingency operations
25 pursuant to section 251(b)(2)(A)(ii) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985 (Pub-
2 lic Law 99–177), as amended.

3 BILATERAL ECONOMIC ASSISTANCE
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 INTERNATIONAL DISASTER ASSISTANCE

6 For an additional amount for “International Disaster
7 Assistance”, \$150,000,000, to remain available until Sep-
8 tember 30, 2013: *Provided*, That this amount is des-
9 ignated by Congress as being for overseas contingency op-
10 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985
12 (Public Law 99–177), as amended.

13 TRANSITION INITIATIVES

14 For an additional amount for “Transition Initia-
15 tives”, \$3,500,000, to remain available until September
16 30, 2013: *Provided*, That this amount is designated by
17 Congress as being for overseas contingency operations
18 pursuant to section 251(b)(2)(A)(ii) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985 (Pub-
20 lic Law 99–177), as amended.

21 COMPLEX CRISES FUND

22 For an additional amount for “Complex Crises
23 Fund”, \$45,000,000, to remain available until September
24 30, 2013: *Provided*, That this amount is designated by
25 Congress as being for overseas contingency operations

1 pursuant to section 251(b)(2)(A)(ii) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985 (Pub-
3 lic Law 99–177), as amended.

4 ECONOMIC SUPPORT FUND

5 For an additional amount for “Economic Support
6 Fund”, \$1,172,821,000, to remain available until Sep-
7 tember 30, 2013: *Provided*, That this amount is des-
8 ignated by Congress as being for overseas contingency op-
9 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985
11 (Public Law 99–177), as amended.

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for “Migration and Ref-
14 ugee Assistance”, \$100,000,000, to remain available until
15 September 30, 2013: *Provided*, That this amount is des-
16 ignated by Congress as being for overseas contingency op-
17 erations pursuant to section 251(b)(2)(A)(ii) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985
19 (Public Law 99–177), as amended.

20 INTERNATIONAL SECURITY ASSISTANCE

21 DEPARTMENT OF STATE

22 INTERNATIONAL NARCOTICS CONTROL AND LAW

23 ENFORCEMENT

24 For an additional amount for “International Nar-
25 cotics Control and Law Enforcement”, \$1,163,000,000, to

1 remain available until September 30, 2013: *Provided*,
2 That this amount is designated by Congress as being for
3 overseas contingency operations pursuant to section
4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985 (Public Law 99–177), as
6 amended.

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

9 For an additional amount for “Nonproliferation,
10 Anti-terrorism, Demining and Related Programs”,
11 \$27,500,000, to remain available until September 30,
12 2013: *Provided*, That this amount is designated by Con-
13 gress as being for overseas contingency operations pursu-
14 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985 (Public Law
16 99–177), as amended.

17 PEACEKEEPING OPERATIONS

18 For an additional amount for “Peacekeeping Oper-
19 ations”, \$30,000,000, to remain available until September
20 30, 2013: *Provided*, That this amount is designated by
21 Congress as being for overseas contingency operations
22 pursuant to section 251(b)(2)(A)(ii) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985 (Pub-
24 lic Law 99–177), as amended.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 FOREIGN MILITARY FINANCING PROGRAM

3 For an additional amount for “Foreign Military Fi-
4 nancing Program”, \$989,000,000, to remain available
5 until September 30, 2013: *Provided*, That this amount is
6 designated by Congress as being for overseas contingency
7 operations pursuant to section 251(b)(2)(A)(ii) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985
9 (Public Law 99–177), as amended.

10 PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out the provisions
13 of chapter 8 of part I and chapters 2, 5, 6, and 8 of part
14 II of the Foreign Assistance Act of 1961 and section 23
15 of the Arms Export Control Act, \$1,000,000,000, to re-
16 main available until September 30, 2012, for the purpose
17 of providing assistance for Pakistan to build and maintain
18 the counter-insurgency capability of Pakistani security
19 forces (including the Frontier Corps), to include program
20 management, training in civil-military humanitarian as-
21 sistance, human rights training, and the provision of
22 equipment, supplies, services, training, and facility and in-
23 frastructure repair, renovation, and construction: *Pro-*
24 *vided*, That notwithstanding any other provision of law ex-
25 cept section 620M of the Foreign Assistance Act of 1961,

1 as amended by this Act, such funds shall be available to
2 the Secretary of State, with the concurrence of the Sec-
3 retary of Defense: *Provided further*, That such funds may
4 be transferred by the Secretary of State to the Depart-
5 ment of Defense or other Federal departments or agencies
6 to support counter-insurgency operations and may be
7 merged with, and be available, for the same purposes and
8 for the same time period as the appropriation or fund to
9 which transferred or may be transferred pursuant to the
10 authorities contained in the Foreign Assistance Act of
11 1961: *Provided further*, That the Secretary of State shall,
12 not fewer than 15 days prior to making transfers from
13 this appropriation, notify the Committees on Appropria-
14 tions, in writing, of the details of any such transfer: *Pro-*
15 *vided further*, That the Secretary of State shall submit not
16 later than 30 days after the end of each fiscal quarter
17 to the Committees on Appropriations a report in writing
18 summarizing, on a project-by-project basis, the uses of
19 funds under this heading: *Provided further*, That upon de-
20 termination by the Secretary of State, with the concur-
21 rence of the Secretary of Defense, that all or part of the
22 funds so transferred from this appropriation are not nec-
23 essary for the purposes herein, such amounts may be
24 transferred by the head of the relevant Federal depart-
25 ment or agency back to this appropriation and shall be

1 available for the same purposes and for the same time pe-
2 riod as originally appropriated: *Provided further*, That any
3 required notification or report may be submitted in classi-
4 fied form: *Provided further*, That the amount in this para-
5 graph is designated by Congress as being for overseas con-
6 tingency operations pursuant to section 251(b)(2)(A)(ii)
7 of the Balanced Budget and Emergency Deficit Control
8 Act of 1985 (Public Law 99–177), as amended.

9 GLOBAL SECURITY CONTINGENCY FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 There is hereby established in the Treasury of the
12 United States the “Global Security Contingency Fund”.

13 For necessary expenses to carry out the provisions
14 of the Foreign Assistance Act of 1961 and the Arms Ex-
15 port Control Act to provide assistance, notwithstanding
16 any other provision of law except sections 620A and 620M
17 of the Foreign Assistance Act of 1961, as amended by this
18 Act, for countries designated by the Secretary of State to
19 enhance the capabilities of military and police forces, and
20 other security forces that conduct border and maritime se-
21 curity, internal security, and counter-terrorism operations,
22 as well as government agencies responsible for such forces,
23 and to strengthen democratic institutions including the
24 justice sector (including corrections) and respect for
25 human rights and the rule of law, where the Secretary

1 of State, in consultation with the Secretary of Defense,
2 determines that conflict or instability in a country or re-
3 gion significantly challenges the local capacity to deliver
4 such assistance, \$50,000,000, to remain available until
5 September 30, 2013: *Provided*, That such assistance pro-
6 grams shall be formulated by the Secretary of State in
7 consultation with the Secretary of Defense: *Provided fur-*
8 *ther*, That programs carried out under this heading shall
9 be approved by the Secretary of State, in consultation with
10 the Secretary of Defense, prior to implementation: *Pro-*
11 *vided further*, That the authorities and requirements of the
12 Foreign Assistance Act of 1961 shall apply to funds made
13 available under this heading: *Provided further*, That funds
14 made available to the Department of Defense in fiscal year
15 2012 may be transferred to, and merged with, funds ap-
16 propriated under this heading by the Secretary of Defense:
17 *Provided further*, That funds made available under this
18 heading may be transferred to the most appropriate agen-
19 cy or account to facilitate the provision of such assistance:
20 *Provided further*, That the transfer authorities under this
21 paragraph are in addition to any other transfer authority
22 available to the Department of Defense: *Provided further*,
23 That the amounts in this account may be used for nec-
24 essary administrative expenses of the agencies planning
25 and carrying out programs: *Provided further*, That the

1 SEC. 8003. Notwithstanding any other provision of
2 law except section 620M of the Foreign Assistance Act,
3 as amended by this Act, funds appropriated by this title
4 may be transferred to, and merged with, funds appro-
5 priated by this title under the headings “Diplomatic and
6 Consular Programs”, “Worldwide Security Protection”,
7 “Office of Inspector General”, “Contributions for Inter-
8 national Peacekeeping Activities”, “United States Insti-
9 tute for Peace”, “United States Agency for International
10 Development, Funds Appropriated to the President, Oper-
11 ating Expenses”, “United States Agency for International
12 Development, Funds Appropriated to the President, Office
13 of Inspector General”, “International Disaster Assist-
14 ance”, “Transition Initiatives”, “Complex Crises Fund”,
15 “Economic Support Fund”, “Migration and Refugee As-
16 sistance”, “International Narcotics Control and Law En-
17 forcement”, “Nonproliferation, Anti-terrorism, Demining,
18 and Related Programs”, “Peacekeeping Operations”,
19 “Foreign Military Financing Program”, “Pakistan
20 Counter-insurgency Capability Fund”, and “Global Sta-
21 bility Contingency Fund”: *Provided*, That such transfers
22 shall be subject to the regular notification procedures of
23 the Committees on Appropriations: *Provided further*, That
24 the transfer authority in this section is in addition to any
25 transfer authority otherwise available under any other pro-

1 vision of law, including section 610 of the Foreign Assist-
2 ance Act which may be exercised by the Secretary of State
3 for the purposes of this title.

4 This Act may be cited as the “Department of State,
5 Foreign Operations, and Related Programs Appropria-
6 tions Act, 2012”.