

**Calendar No. 889**110TH CONGRESS  
2D SESSION**S. 3288****[Report No. 110-425]**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2009, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

JULY 18 (legislative day, JULY 17), 2008

Mr. LEAHY, from the Committee on Appropriations, reported under authority of the order of the Senate of January 4, 2007 the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2009, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 2009, and for other pur-  
6 poses, namely:

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

8 For necessary expenses of the Department of State  
9 and the Foreign Service not otherwise provided for,  
10 \$5,290,000,000, of which \$1,137,452,000 is for World-  
11 wide Security Protection (to remain available until ex-  
12 pended), to be allocated as follows:

13 (1) HUMAN RESOURCES.—For necessary ex-  
14 penses for training, human resources management,  
15 and salaries, including employment without regard  
16 to civil service and classification laws of persons on  
17 a temporary basis (not to exceed \$700,000), as au-  
18 thorized by section 801 of the United States Infor-  
19 mation and Educational Exchange Act of 1948,  
20 \$2,073,278,000 to remain available until September  
21 30, 2010.

22 (2) OVERSEAS PROGRAMS.—For necessary ex-  
23 penses for the regional bureaus of the Department  
24 of State and overseas activities as authorized by law,  
25 \$1,515,683,000, to remain available until September  
26 30, 2010.

1           (3) DIPLOMATIC POLICY AND SUPPORT.—For  
2           necessary expenses for the functional bureaus of the  
3           Department of State including representation to cer-  
4           tain international organizations in which the United  
5           States participates pursuant to treaties ratified pur-  
6           suant to the advice and consent of the Senate or  
7           specific Acts of Congress, general administration,  
8           and arms control, nonproliferation and disarmament  
9           activities as authorized, \$572,562,000, to remain  
10          available until September 30, 2010.

11          (4) SECURITY PROGRAMS.—For necessary ex-  
12          penses for security activities, \$1,128,477,000, to re-  
13          main available until September 30, 2010.

14          (5) FEES AND PAYMENTS COLLECTED.—

15                 (A) Not to exceed \$1,605,150 shall be de-  
16                 rived from fees collected from other executive  
17                 agencies for lease or use of facilities located at  
18                 the International Center in accordance with sec-  
19                 tion 4 of the International Center Act, and, in  
20                 addition, as authorized by section 5 of such  
21                 Act, \$490,000, to be derived from the reserve  
22                 authorized by that section, to be used for the  
23                 purposes set out in that section;

24                 (B) as authorized by section 810 of the  
25                 United States Information and Educational Ex-

1 change Act, not to exceed \$6,000,000, to re-  
2 main available until expended, may be credited  
3 to this appropriation from fees or other pay-  
4 ments received from English teaching, library,  
5 motion pictures, and publication programs and  
6 from fees from educational advising and coun-  
7 seling and exchange visitor programs; and

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

11 (6) TRANSFER AND REPROGRAMMING.—

12 (A) Notwithstanding any provision of this  
13 Act, funds may be reprogrammed within and  
14 between subsections under this heading subject  
15 to section 714 of this Act.

16 (B) Of the amount made available under  
17 this heading, not to exceed \$10,000,000 may be  
18 transferred to, and merged with, funds appro-  
19 priated by this Act under the heading “Emer-  
20 gencies in the Diplomatic and Consular Serv-  
21 ice”, to be available only for emergency evacu-  
22 ations and terrorism rewards.

23 (C) Funds appropriated under this heading  
24 are available for acquisition by exchange or pur-  
25 chase of passenger motor vehicles as authorized

1 by law and, pursuant to 31 U.S.C. 1108(g), for  
2 the field examination of programs and activities  
3 in the United States funded from any account  
4 contained in this title.

5 CIVILIAN STABILIZATION INITIATIVE

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to establish, support, main-  
8 tain, mobilize, and deploy a civilian response corps, and  
9 for related reconstruction and stabilization assistance to  
10 prevent or respond to conflict or civil strife in foreign  
11 countries or regions, or to enable transition from such  
12 strife, \$115,000,000, to remain available until expended:  
13 *Provided*, That up to \$23,014,000 may be made available  
14 to provide administrative expenses for the Office of the  
15 Coordinator for Reconstruction and Stabilization: *Pro-*  
16 *vided further*, That after consultation with the Committees  
17 on Appropriations and subject to the regular notification  
18 procedures of the Committees on Appropriations, the Sec-  
19 retary of State may transfer and merge up to \$50,000,000  
20 of funds made available under any other heading in titles  
21 I, II, III and IV of this Act and prior Acts making appro-  
22 priations for the Department of State, foreign operations,  
23 export financing, and related programs, with funds made  
24 available under this heading to support an actively de-  
25 ployed civilian response corps: *Provided further*, That the  
26 administrative authorities of the Foreign Assistance Act

1 of 1961 may be utilized for assistance furnished with such  
2 funds: *Provided further*, That funds allocated or repro-  
3 grammed for purposes of this section shall remain avail-  
4 able until expended: *Provided further*, That none of the  
5 funds appropriated under this heading may be obligated  
6 or expended until the Secretary of State clarifies in writ-  
7 ing to the Committees on Appropriations the relationship  
8 between existing international disaster response capabili-  
9 ties of the United States Government and funding sources  
10 (including under the headings “International Disaster As-  
11 sistance” and “Transition Initiatives” in this Act) and the  
12 Civilian Stabilization Initiative.

13 CAPITAL INVESTMENT FUND

14 For necessary expenses of the Capital Investment  
15 Fund, \$71,000,000, to remain available until expended,  
16 as authorized: *Provided*, That section 135(e) of Public  
17 Law 103–236 shall not apply to funds available under this  
18 heading.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector  
21 General, \$40,000,000, notwithstanding section 209(a)(1)  
22 of the Foreign Service Act of 1980 (Public Law 96–465),  
23 as it relates to post inspections.

24 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

25 For expenses of educational and cultural exchange  
26 programs, as authorized, \$545,250,000, to remain avail-

1 able until expended: *Provided*, That not to exceed  
2 \$5,000,000, to remain available until expended, may be  
3 credited to this appropriation from fees or other payments  
4 received from or in connection with English teaching, edu-  
5 cational advising and counseling programs, and exchange  
6 visitor programs as authorized.

7 REPRESENTATION ALLOWANCES

8 For representation allowances as authorized,  
9 \$8,175,000.

10 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

11 For expenses, not otherwise provided, to enable the  
12 Secretary of State to provide for extraordinary protective  
13 services, as authorized, \$12,000,000, to remain available  
14 until September 30, 2010.

15 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

16 For necessary expenses for carrying out the Foreign  
17 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-  
18 serving, maintaining, repairing, and planning for buildings  
19 that are owned or directly leased by the Department of  
20 State, renovating, in addition to funds otherwise available,  
21 the Harry S Truman Building, and carrying out the Dip-  
22 lomatic Security Construction Program as authorized,  
23 \$800,000,000, to remain available until expended as au-  
24 thorized, of which not to exceed \$25,000 may be used for  
25 domestic and overseas representation as authorized: *Pro-*  
26 *vided*, That none of the funds appropriated in this para-





1 able until expended as authorized, of which not to exceed  
2 \$1,000,000 may be transferred to, and merged with, funds  
3 appropriated by this Act under the heading “Repatriation  
4 Loans Program Account”, subject to the same terms and  
5 conditions.

6 BUYING POWER MAINTENANCE ACCOUNT

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

12 REPATRIATION LOANS PROGRAM ACCOUNT

13 (INCLUDING TRANSFER OF FUNDS)

14 For the cost of direct loans, \$678,000, as authorized:  
15 *Provided*, That such costs, including the cost of modifying  
16 such loans, shall be as defined in section 502 of the Con-  
17 gressional Budget Act of 1974.

18 In addition, for administrative expenses necessary to  
19 carry out the direct loan program, \$675,000, which may  
20 be transferred to, and merged with, funds appropriated  
21 by this Act under the heading “Diplomatic and Consular  
22 Programs”.

23 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

24 For necessary expenses to carry out the Taiwan Rela-  
25 tions Act (Public Law 96–8), \$16,840,000.

1 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
2 DISABILITY FUND

3 For payment to the Foreign Service Retirement and  
4 Disability Fund, as authorized by law, \$157,100,000.

5 INTERNATIONAL ORGANIZATIONS

6 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

7 For expenses, not otherwise provided for, necessary  
8 to meet annual obligations of membership in international  
9 multilateral organizations, pursuant to treaties ratified  
10 pursuant to the advice and consent of the Senate, conven-  
11 tions or specific Acts of Congress, \$1,529,400,000: *Pro-*  
12 *vided*, That the Secretary of State shall, at the time of  
13 the submission of the President's budget to Congress  
14 under section 1105(a) of title 31, United States Code,  
15 transmit to the Committees on Appropriations the most  
16 recent biennial budget prepared by the United Nations for  
17 the operations of the United Nations: *Provided further*,  
18 That the Secretary of State shall notify the Committees  
19 on Appropriations at least 15 days in advance (or in an  
20 emergency, as far in advance as is practicable) of any  
21 United Nations action to increase funding for any United  
22 Nations program without identifying an offsetting de-  
23 crease elsewhere in the United Nations budget: *Provided*  
24 *further*, That any payment of arrearages under this title  
25 shall be directed toward activities that are mutually agreed

1 upon by the United States and the respective international  
2 organization: *Provided further*, That none of the funds ap-  
3 propriated by this paragraph shall be available for a  
4 United States contribution to an international organiza-  
5 tion for the United States share of interest costs made  
6 known to the United States Government by such organiza-  
7 tion for loans incurred on or after October 1, 1984,  
8 through external borrowings.

9 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING  
10 ACTIVITIES

11 For necessary expenses to pay assessed and other ex-  
12 penses of international peacekeeping activities directed to  
13 the maintenance or restoration of international peace and  
14 security, \$1,650,000,000, of which 15 percent shall re-  
15 main available until September 30, 2010: *Provided*, That  
16 none of the funds appropriated by this Act shall be obli-  
17 gated or expended for any new or expanded United Na-  
18 tions peacekeeping mission unless, at least 15 days in ad-  
19 vance of voting for a new or expanded mission in the  
20 United Nations Security Council (or in an emergency as  
21 far in advance as is practicable): (1) the Committees on  
22 Appropriations are notified of the estimated cost and  
23 length of the mission, the national interest that will be  
24 served, and the planned exit strategy; (2) the Committees  
25 on Appropriations are notified that the United Nations  
26 has taken appropriate measures to prevent United Nations

1 employees, contractor personnel, and peacekeeping forces  
2 serving in any United Nations peacekeeping mission from  
3 trafficking in persons, exploiting victims of trafficking, or  
4 committing acts of illegal sexual exploitation, and to hold  
5 accountable individuals who engage in such acts while par-  
6 ticipating in the peacekeeping mission, including the pros-  
7 ecution in their home countries of such individuals in con-  
8 nection with such acts; and (3) notification pursuant to  
9 section 714 of this Act is submitted, and the procedures  
10 therein followed, setting forth the source of funds that will  
11 be used to pay for the cost of the new or expanded mission:  
12 *Provided further*, That funds shall be available for peace-  
13 keeping expenses only upon a certification by the Sec-  
14 retary of State to the Committees on Appropriations that  
15 American manufacturers and suppliers are being given op-  
16 portunities to provide equipment, services, and material  
17 for United Nations peacekeeping activities equal to those  
18 being given to foreign manufacturers and suppliers.

19 INTERNATIONAL COMMISSIONS

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

1 INTERNATIONAL BOUNDARY AND WATER COMMISSION,  
2 UNITED STATES AND MEXICO

3 For necessary expenses for the United States Section  
4 of the International Boundary and Water Commission,  
5 United States and Mexico, and to comply with laws appli-  
6 cable to the United States Section, including not to exceed  
7 \$6,000 for representation; as follows:

8 SALARIES AND EXPENSES

9 For salaries and expenses, not otherwise provided for,  
10 \$32,256,000.

11 CONSTRUCTION

12 For detailed plan preparation and construction of au-  
13 thorized projects, \$52,250,000, to remain available until  
14 expended, as authorized.

15 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

16 For necessary expenses, not otherwise provided,  
17 \$11,320,000, of which \$6,870,000 is for the International  
18 Joint Commission and \$2,250,000 is for the International  
19 Boundary Commission, United States and Canada, as au-  
20 thorized by treaties between the United States and Can-  
21 ada or Great Britain, and \$2,200,000 is for the Border  
22 Environment Cooperation Commission as authorized by  
23 Public Law 103–182: *Provided*, That of the amount pro-  
24 vided under this heading for the International Joint Com-  
25 mission, \$7,000 may be made available for representation  
26 expenses 45 days after submission to the Committees on

1 Appropriations of a report detailing obligations, expendi-  
2 tures, and associated activities for fiscal years 2006, 2007,  
3 and 2008, including any unobligated funds which expired  
4 at the end of each fiscal year and the justification for why  
5 such funds were not obligated.

6 INTERNATIONAL FISHERIES COMMISSIONS

7 For necessary expenses for international fisheries  
8 commissions, not otherwise provided for, as authorized by  
9 law, \$30,025,000: *Provided*, That the United States share  
10 of such expenses may be advanced to the respective com-  
11 missions pursuant to 31 U.S.C. 3324: *Provided further*,  
12 That funds appropriated under this heading shall be avail-  
13 able for programs in the amounts contained in the table  
14 included in the committee report accompanying this Act  
15 and no proposal for deviation from those amounts shall  
16 be considered.

17 RELATED AGENCY

18 BROADCASTING BOARD OF GOVERNORS

19 INTERNATIONAL BROADCASTING OPERATIONS

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

1 make and supervise grants for radio and television broad-  
2 casting to the Middle East, \$682,064,000: *Provided*, That  
3 of the total amount in this heading, not to exceed \$16,000  
4 may be used for official receptions within the United  
5 States as authorized, not to exceed \$35,000 may be used  
6 for representation abroad as authorized, and not to exceed  
7 \$39,000 may be used for official reception and representa-  
8 tion expenses of Radio Free Europe/Radio Liberty; and  
9 in addition, notwithstanding any other provision of law,  
10 not to exceed \$2,000,000 in receipts from advertising and  
11 revenue from business ventures, not to exceed \$500,000  
12 in receipts from cooperating international organizations,  
13 and not to exceed \$1,000,000 in receipts from privatiza-  
14 tion efforts of the Voice of America and the International  
15 Broadcasting Bureau, to remain available until expended  
16 for carrying out authorized purposes: *Provided further*,  
17 That of the funds appropriated under this heading, not  
18 less than \$8,000,000 shall be made available for broad-  
19 casts into North Korea.

20 BROADCASTING CAPITAL IMPROVEMENTS

21 For the purchase, rent, construction, and improve-  
22 ment of facilities for radio and television transmission and  
23 reception, and purchase and installation of necessary  
24 equipment for radio and television transmission and recep-  
25 tion as authorized, \$11,296,000, to remain available until  
26 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 \$16,000,000, 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 in the United States Institute of  
10 Peace Act, \$31,000,000, to remain available until Sep-  
11 tember 30, 2010.

## 12 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

## 13 TRUST FUND

14 For necessary expenses of the Center for Middle  
15 Eastern-Western Dialogue Trust Fund, the total amount  
16 of the interest and earnings accruing to such Fund on or  
17 before September 30, 2009, to remain available until ex-  
18 pended.

## 19 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

20 For necessary expenses of Eisenhower Exchange Fel-  
21 lowships, Incorporated, as authorized by sections 4 and  
22 5 of the Eisenhower Exchange Fellowship Act of 1990 (20  
23 U.S.C. 5204–5205), all interest and earnings accruing to  
24 the Eisenhower Exchange Fellowship Program Trust  
25 Fund on or before September 30, 2009, to remain avail-



1 able until expended: *Provided*, That none of the funds ap-  
2 propriated herein shall be used to pay any salary or other  
3 compensation, or to enter into any contract providing for  
4 the payment thereof, in excess of the rate authorized by  
5 5 U.S.C. 5376; or for purposes which are not in accord-  
6 ance with OMB Circulars A-110 (Uniform Administrative  
7 Requirements) and A-122 (Cost Principles for Non-profit  
8 Organizations), including the restrictions on compensation  
9 for personal services.

10 ISRAELI ARAB SCHOLARSHIP PROGRAM

11 For necessary expenses of the Israeli Arab Scholar-  
12 ship Program as authorized by section 214 of the Foreign  
13 Relations Authorization Act, Fiscal Years 1992 and 1993  
14 (22 U.S.C. 2452), all interest and earnings accruing to  
15 the Israeli Arab Scholarship Fund on or before September  
16 30, 2009, to remain available until expended.

17 EAST-WEST CENTER

18 To enable the Secretary of State to provide for car-  
19 rying out the provisions of the Center for Cultural and  
20 Technical Interchange Between East and West Act of  
21 1960, by grant to the Center for Cultural and Technical  
22 Interchange Between East and West in the State of Ha-  
23 waii, \$22,000,000: *Provided*, That none of the funds ap-  
24 propriated herein shall be used to pay any salary, or enter

1 into any contract providing for the payment thereof, in  
2 excess of the rate authorized by 5 U.S.C. 5376.

3 NATIONAL ENDOWMENT FOR DEMOCRACY

4 For grants made by the Department of State to the  
5 National Endowment for Democracy, as authorized by the  
6 National Endowment for Democracy Act and notwith-  
7 standing any other provision of law or regulation,  
8 \$120,000,000, to remain available until expended.

9 OTHER COMMISSIONS

10 COMMISSION FOR THE PRESERVATION OF AMERICA'S

11 HERITAGE ABROAD

12 SALARIES AND EXPENSES

13 For necessary expenses for the Commission for the  
14 Preservation of America's Heritage Abroad, \$599,000, as  
15 authorized by section 1303 of Public Law 99-83.

16 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

17 SALARIES AND EXPENSES

18 For necessary expenses for the United States Com-  
19 mission on International Religious Freedom, as authorized  
20 by title II of the International Religious Freedom Act of  
21 1998 (Public Law 105-292), \$4,000,000, to remain avail-  
22 able until September 30, 2010.

1 COMMISSION ON SECURITY AND COOPERATION IN  
2 EUROPE  
3 SALARIES AND EXPENSES

4 For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public  
5 Law 94-304, \$2,610,000, to remain available until September 30, 2010.

8 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
9 PEOPLE'S REPUBLIC OF CHINA  
10 SALARIES AND EXPENSES

11 For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$2,000,000, including not more than \$3,000 for  
12 the purpose of official representation, to remain available  
13 until September 30, 2010.

16 UNITED STATES-CHINA ECONOMIC AND SECURITY  
17 REVIEW COMMISSION  
18 SALARIES AND EXPENSES

19 For necessary expenses of the United States-China  
20 Economic and Security Review Commission, \$1,000,000,  
21 including not more than \$4,000 for the purpose of official  
22 representation, to remain available until September 30,  
23 2010: *Provided*, That none of the funds may be obligated  
24 until the Commission submits a spending plan to the Committees on Appropriations which effectively addresses the  
25

1 recommendations of the Government Accountability Of-  
 2 fice’s audit of the Commission (GAO–07–1128): *Provided*  
 3 *further*, That the Commission shall provide to the Commit-  
 4 tees on Appropriations an annual financial plan no later  
 5 than 90 days after enactment of this Act, and a quarterly  
 6 accounting of the cumulative balances of any unobligated  
 7 funds that were received by the Commission during any  
 8 previous fiscal year.

9 UNITED STATES SENATE-CHINA INTERPARLIAMENTARY  
 10 GROUP

11 SALARIES AND EXPENSES

12 For necessary expenses of the United States Senate-  
 13 China Interparliamentary Group, as authorized under sec-  
 14 tion 153 of the Consolidated Appropriations Act, 2004 (22  
 15 U.S.C. 276n; Public Law 108–99; 118 Stat. 448),  
 16 \$150,000, to remain available until September 30, 2010.

17 GENERAL PROVISIONS—THIS TITLE

18 ALLOWANCES AND DIFFERENTIALS

19 SEC. 101. Funds appropriated under title I of this  
 20 Act shall be available, except as otherwise provided, for  
 21 allowances and differentials as authorized by subchapter  
 22 59 of title 5, United States Code; for services as author-  
 23 ized by 5 U.S.C. 3109; and for hire of passenger transpor-  
 24 tation pursuant to 31 U.S.C. 1343(b).

## 1 UNOBLIGATED BALANCES REPORT

2 SEC. 102. The Department of State and the Broad-  
3 casting Board of Governors shall provide to the Commit-  
4 tees on Appropriations a quarterly accounting of the cu-  
5 mulative balances of any unobligated funds that were re-  
6 ceived by such agency during any previous fiscal year.

## 7 EMBASSY CONSTRUCTION

8 SEC. 103. (a) Of funds provided under title I of this  
9 Act, except as provided in subsection (b), a project to con-  
10 struct a diplomatic facility of the United States may not  
11 include office space or other accommodations for an em-  
12 ployee of a Federal agency or department if the Secretary  
13 of State determines that such department or agency has  
14 not provided to the Department of State the full amount  
15 of funding required by subsection (e) of section 604 of  
16 the Secure Embassy Construction and Counterterrorism  
17 Act of 1999 (as enacted into law by section 1000(a)(7)  
18 of Public Law 106–113 and contained in appendix G of  
19 that Act; 113 Stat. 1501A–453), as amended by section  
20 629 of the Departments of Commerce, Justice, and State,  
21 the Judiciary, and Related Agencies Appropriations Act,  
22 2005.

23 (b) Notwithstanding the prohibition in subsection (a),  
24 a project to construct a diplomatic facility of the United  
25 States may include office space or other accommodations  
26 for members of the Marine Corps.

## 1 PEACEKEEPING MISSIONS

2 SEC. 104. None of the funds made available under  
3 title I of this Act may be used for any United Nations  
4 undertaking when it is made known to the Federal official  
5 having authority to obligate or expend such funds that:  
6 (1) the United Nations undertaking is a peacekeeping mis-  
7 sion; (2) such undertaking will involve United States  
8 Armed Forces under the command or operational control  
9 of a foreign national; and (3) the President's military advi-  
10 sors have not submitted to the President a recommenda-  
11 tion that such involvement is in the national interests of  
12 the United States and the President has not submitted  
13 to the Congress such a recommendation.

## 14 SENIOR POLICY OPERATING GROUP

15 SEC. 105. (a) The Senior Policy Operating Group on  
16 Trafficking in Persons, established under section 105(f)  
17 of the Victims of Trafficking and Violence Protection Act  
18 of 2000 (22 U.S.C. 7103(f)) to coordinate agency activi-  
19 ties regarding policies (including grants and grant poli-  
20 cies) involving the international trafficking in persons,  
21 shall coordinate all such policies related to the activities  
22 of traffickers and victims of severe forms of trafficking.  
23 (b) None of the funds provided under title I of this  
24 or any other Act making appropriations for Department  
25 of State and Related Agencies shall be expended to per-

1 form functions that duplicate coordinating responsibilities  
2 of the Operating Group.

3 (c) The Operating Group shall continue to report only  
4 to the authorities that appointed them pursuant to section  
5 105(f).

6 UNITED STATES CITIZENS BORN IN JERUSALEM

7 SEC. 106. For the purposes of registration of birth,  
8 certification of nationality, or issuance of a passport of  
9 a United States citizen born in the city of Jerusalem, the  
10 Secretary of State shall, upon request of the citizen,  
11 record the place of birth as Israel.

12 CONSULTING SERVICES

13 SEC. 107. The expenditure of any appropriation  
14 under title I of this Act for any consulting service through  
15 procurement contract, pursuant to 5 U.S.C. 3109, shall  
16 be limited to those contracts where such expenditures are  
17 a matter of public record and available for public inspec-  
18 tion, except where otherwise provided under existing law,  
19 or under existing Executive order issued pursuant to exist-  
20 ing law.

21 BROADCASTING PROGRAMS

22 SEC. 108. Of the funds appropriated under the head-  
23 ing "Diplomatic and Consular Programs" in this Act,  
24 \$1,000,000 shall be made available to the Bureau of Inter-  
25 national Information Programs to disseminate informa-  
26 tion in Mandarin in the People's Republic of China, in-

1 cluding on issues of governance, transparency, corruption,  
2 rule of law, and the environment, and the findings of the  
3 report required by section 735(f)(2) of this Act, through  
4 the Internet, text messaging or other means, directed to  
5 economically depressed areas of the People's Republic of  
6 China: *Provided*, That such funds are in addition to funds  
7 otherwise made available for such purposes: *Provided fur-*  
8 *ther*, That the Department of State shall consult with the  
9 Committees on Appropriations prior to the initial obliga-  
10 tion of funds appropriated by this section.

11 STATE DEPARTMENT AUTHORITIES

12 SEC. 109. (a) Funds appropriated under title I of this  
13 Act for the Broadcasting Board of Governors and the De-  
14 partment of State may be obligated and expended notwith-  
15 standing section 15 of the State Department Basic Au-  
16 thorities Act of 1956, section 313 of the Foreign Relations  
17 Authorization Act, Fiscal Years 1994 and 1995 (Public  
18 Law 103–236), and section 504(a)(1) of the National Se-  
19 curity Act of 1947 (50 U.S.C. 414(a)(1)).

20 (b) During fiscal year 2009, foreign service annu-  
21 itants may be employed, notwithstanding section 316.401  
22 of title 5, Code of Federal Regulations, pursuant to waiv-  
23 ers under section 824(g)(1)(C)(ii) of the Foreign Service  
24 Act of 1980 (22 U.S.C. 4064(g)(1)(C)(ii)).



## 1 PERSONNEL ACTIONS

2 SEC. 110. Any costs incurred by a department or  
3 agency funded under this Act resulting from personnel ac-  
4 tions taken in response to funding reductions included in  
5 this Act shall be absorbed within the total budgetary re-  
6 sources available to such department or agency: *Provided,*  
7 That the authority to transfer funds between appropria-  
8 tions accounts as may be necessary to carry out this sec-  
9 tion is provided in addition to authorities included else-  
10 where in this Act: *Provided further,* That use of funds to  
11 carry out this section shall be treated as a reprogramming  
12 of funds under section 714 of title VII of this Act and  
13 shall not be available for obligation or expenditure except  
14 in compliance with the procedures set forth in that section.

## 15 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

16 SEC. 111. None of the funds made available under  
17 title I of this Act may be used to pay expenses for any  
18 United States delegation to any specialized agency, body,  
19 or commission of the United Nations if such commission  
20 is chaired or presided over by a country, the government  
21 of which the Secretary of State has determined, for pur-  
22 poses of section 6(j)(1) of the Export Administration Act  
23 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-  
24 national terrorism.

## 1 PEACEKEEPING ASSESSMENT

2 SEC. 112. Section 404(b)(2)(B) of the Foreign Rela-  
3 tions Authorization Act, Fiscal Years 1994 and 1995, (22  
4 U.S.C. 287e note) is amended by deleting subsection (v)  
5 and inserting in lieu thereof:

6 “(v) For assessments made during each of the cal-  
7 endar years 2005, 2006, 2007, 2008, and 2009, 27.1 per-  
8 cent.”.

## 9 COMMISSION FINANCIAL MANAGEMENT

10 SEC. 113. (a) REQUIREMENT FOR PERFORMANCE  
11 REVIEWS.—The United States-China Economic and Secu-  
12 rity Review Commission shall comply with chapter 43 of  
13 title 5, United States Code, regarding the establishment  
14 and regular review of employee performance appraisals.

15 (b) LIMITATION ON CASH AWARDS.—The United  
16 States-China Economic and Security Review Commission  
17 shall comply with section 4505a of title 5, United States  
18 Code, with respect to limitations on payment of perform-  
19 ance-based cash awards.

## 20 TRANSPARENCY IN BROADCASTING

21 SEC. 114. Funds appropriated under the heading  
22 “International Broadcasting Operations” in this Act for  
23 programs and activities supporting international broad-  
24 casting to the Middle East and Iran in fiscal year 2009  
25 may be made available if the United States Department  
26 of State and the Broadcasting Board of Governors Inspec-



1 of the funds appropriated under this heading and under  
2 the heading “Capital Investment Fund” in this Act may  
3 be made available to finance the construction (including  
4 architect and engineering services), purchase, or long-term  
5 lease of offices for use by the United States Agency for  
6 International Development (USAID), unless the USAID  
7 Administrator has identified such proposed construction  
8 (including architect and engineering services), purchase,  
9 or long-term lease of offices in a report submitted to the  
10 Committees on Appropriations at least 15 days prior to  
11 the obligation of funds for such purposes: *Provided fur-*  
12 *ther*, That the previous proviso shall not apply when the  
13 total cost of construction (including architect and engi-  
14 neering services), purchase, or long-term lease of offices  
15 does not exceed \$1,000,000: *Provided further*, That con-  
16 tracts or agreements entered into with funds appropriated  
17 under this heading may entail commitments for the ex-  
18 penditure of such funds through fiscal year 2010: *Pro-*  
19 *vided further*, That any decision to open a new USAID  
20 overseas mission or office or, except where there is a sub-  
21 stantial security risk to mission personnel, to close or sig-  
22 nificantly reduce the number of personnel of any such mis-  
23 sion or office, shall be subject to the regular notification  
24 procedures of the Committees on Appropriations: *Provided*  
25 *further*, That the authority of sections 610 and 109 of the

1 Foreign Assistance Act of 1961 may be exercised by the  
2 Secretary of State to transfer funds appropriated to carry  
3 out chapter 1 of part I of such Act to “Operating Ex-  
4 penses of the United States Agency for International De-  
5 velopment” in accordance with the provisions of those sec-  
6 tions: *Provided further*, That not later than 90 days after  
7 enactment of this Act, the USAID Administrator, after  
8 consulting with the Secretaries of Defense, Treasury, Ag-  
9 riculture, Interior, Energy, and Health and Human Serv-  
10 ices, the Director of the Centers for Disease Control and  
11 Prevention, the Administrator of the Environmental Pro-  
12 tection Agency, and the heads of other relevant Federal  
13 departments and agencies, shall submit to the Committees  
14 on Appropriations a recruitment strategy for current and  
15 former employees from such departments and agencies  
16 who possess skills and/or overseas experience which would  
17 enhance USAID’s capacity to carry out its mission: *Pro-*  
18 *vided further*, That notwithstanding any other provision of  
19 law, funds made available under this heading may be made  
20 available to implement the strategy described in the pre-  
21 vious proviso, subject to the regular notification proce-  
22 dures of the Committees on Appropriations: *Provided fur-*  
23 *ther*, That notwithstanding section 307 of the Foreign  
24 Service Act of 1980, the USAID Administrator may hire  
25 up to 50 individuals per year under the Development

1 Leadership Initiative: *Provided further*, That the authority  
2 contained in the previous proviso shall expire on Sep-  
3 tember 30, 2011.

4 CAPITAL INVESTMENT FUND OF THE UNITED STATES

5 AGENCY FOR INTERNATIONAL DEVELOPMENT

6 For necessary expenses for overseas construction and  
7 related costs, and for the procurement and enhancement  
8 of information technology and related capital investments,  
9 pursuant to section 667 of the Foreign Assistance Act of  
10 1961, \$35,775,000, to remain available until expended:  
11 *Provided*, That this amount is in addition to funds other-  
12 wise available for such purposes: *Provided further*, That  
13 funds appropriated under this heading shall be available  
14 for obligation only pursuant to the regular notification  
15 procedures of the Committees on Appropriations.

16 OPERATING EXPENSES OF THE UNITED STATES AGENCY

17 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-  
18 SPECTOR GENERAL

19 For necessary expenses to carry out the provisions  
20 of section 667 of the Foreign Assistance Act of 1961,  
21 \$42,600,000, to remain available until September 30,  
22 2010, which sum shall be available for the Office of the  
23 Inspector General of the United States Agency for Inter-  
24 national Development.

1 TITLE III  
2 BILATERAL ECONOMIC ASSISTANCE  
3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For expenses necessary to enable the President to  
5 carry out the provisions of the Foreign Assistance Act of  
6 1961, and for other purposes, to remain available until  
7 September 30, 2009, unless otherwise specified herein, as  
8 follows:

9 GLOBAL HEALTH AND CHILD SURVIVAL  
10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses to carry out the provisions  
12 of chapters 1 and 10 of part I of the Foreign Assistance  
13 Act of 1961, for global health activities, in addition to  
14 funds otherwise available for such purposes,  
15 \$1,961,000,000, to remain available until September 30,  
16 2010, and which shall be apportioned directly to the  
17 United States Agency for International Development: *Pro-*  
18 *vided*, That none of the funds appropriated under this  
19 paragraph may be made available for nonproject assist-  
20 ance, except that funds may be made available for such  
21 assistance for ongoing health activities: *Provided further*,  
22 That of the funds appropriated under this paragraph, not  
23 to exceed \$400,000, in addition to funds otherwise avail-  
24 able for such purposes, may be used to monitor and pro-  
25 vide oversight of child survival, maternal and family plan-  
26 ning/reproductive health, and infectious disease programs:

1 *Provided further*, That of the funds appropriated under  
2 this paragraph the following amounts should be allocated  
3 as follows: \$500,000,000 for child survival and maternal  
4 health; \$15,000,000 for vulnerable children; \$350,000,000  
5 for HIV/AIDS, of which not less than \$45,000,000 shall  
6 be made available to support the development of  
7 microbicides; \$661,000,000 for other infectious diseases,  
8 including \$385,000,000 for malaria control and  
9 \$155,000,000 for tuberculosis control, of which  
10 \$15,000,000 shall be used for the Global TB Drug Facil-  
11 ity, and \$26,000,000 for the control of neglected tropical  
12 diseases; and \$435,000,000 for family planning/reproduc-  
13 tive health, including in areas where population growth  
14 threatens biodiversity or endangered species: *Provided fur-*  
15 *ther*, That of the funds appropriated under this paragraph,  
16 \$75,000,000 should be made available for a United States  
17 contribution to The GAVI Fund, and up to \$5,000,000  
18 may be transferred to and merged with funds appropriated  
19 by this Act under the heading “Operating Expenses of the  
20 United States Agency for International Development” for  
21 costs directly related to global health, but funds made  
22 available for such costs may not be derived from amounts  
23 made available for contributions under this and preceding  
24 provisos: *Provided further*, That none of the funds made  
25 available by this Act nor any unobligated balances from



1 prior appropriations Acts may be made available to any  
2 organization or program which, as determined by the Sec-  
3 retary of State, supports or participates in the manage-  
4 ment of a program of coercive abortion or involuntary  
5 sterilization: *Provided further*, That any determination  
6 made under the previous proviso must be made no later  
7 than 6 months after the date of enactment of this Act,  
8 and must be accompanied by a comprehensive analysis as  
9 well as the evidence and criteria utilized to make the deter-  
10 mination: *Provided further*, That none of the funds made  
11 available under this Act may be used to pay for the per-  
12 formance of abortion as a method of family planning or  
13 to motivate or coerce any person to practice abortions:  
14 *Provided further*, That nothing in this paragraph shall be  
15 construed to alter any existing statutory prohibitions  
16 against abortion under section 104 of the Foreign Assist-  
17 ance Act of 1961: *Provided further*, That none of the funds  
18 made available under this Act may be used to lobby for  
19 or against abortion: *Provided further*, That in order to re-  
20 duce reliance on abortion in developing nations, funds  
21 shall be available only to voluntary family planning  
22 projects which offer, either directly or through referral to,  
23 or information about access to, a broad range of family  
24 planning methods and services, and that any such vol-  
25 untary family planning project shall meet the following re-

1 requirements: (1) service providers or referral agents in the  
2 project shall not implement or be subject to quotas, or  
3 other numerical targets, of total number of births, number  
4 of family planning acceptors, or acceptors of a particular  
5 method of family planning (this provision shall not be con-  
6 strued to include the use of quantitative estimates or indi-  
7 cators for budgeting and planning purposes); (2) the  
8 project shall not include payment of incentives, bribes,  
9 gratuities, or financial reward to: (A) an individual in ex-  
10 change for becoming a family planning acceptor; or (B)  
11 program personnel for achieving a numerical target or  
12 quota of total number of births, number of family planning  
13 acceptors, or acceptors of a particular method of family  
14 planning; (3) the project shall not deny any right or ben-  
15 efit, including the right of access to participate in any pro-  
16 gram of general welfare or the right of access to health  
17 care, as a consequence of any individual's decision not to  
18 accept family planning services; (4) the project shall pro-  
19 vide family planning acceptors comprehensible information  
20 on the health benefits and risks of the method chosen, in-  
21 cluding those conditions that might render the use of the  
22 method inadvisable and those adverse side effects known  
23 to be consequent to the use of the method; and (5) the  
24 project shall ensure that experimental contraceptive drugs  
25 and devices and medical procedures are provided only in

1 the context of a scientific study in which participants are  
2 advised of potential risks and benefits; and, not less than  
3 60 days after the date on which the Administrator of the  
4 United States Agency for International Development de-  
5 termines that there has been a violation of the require-  
6 ments contained in paragraph (1), (2), (3), or (5) of this  
7 proviso, or a pattern or practice of violations of the re-  
8 quirements contained in paragraph (4) of this proviso, the  
9 Administrator shall submit to the Committees on Appro-  
10 priations a report containing a description of such viola-  
11 tion and the corrective action taken by the Agency: *Pro-*  
12 *vided further*, That in awarding grants for natural family  
13 planning under section 104 of the Foreign Assistance Act  
14 of 1961 no applicant shall be discriminated against be-  
15 cause of such applicant's religious or conscientious com-  
16 mitment to offer only natural family planning; and, addi-  
17 tionally, all such applicants shall comply with the require-  
18 ments of the previous proviso: *Provided further*, That for  
19 purposes of this or any other Act authorizing or appro-  
20 priating funds for the Department of State, foreign oper-  
21 ations, and related programs, the term "motivate", as it  
22 relates to family planning assistance, shall not be con-  
23 strued to prohibit the provision, consistent with local law,  
24 of information or counseling about all pregnancy options:  
25 *Provided further*, That information provided about the use

1 of condoms as part of projects or activities that are funded  
2 from amounts appropriated by this Act shall be medically  
3 accurate and shall include the public health benefits and  
4 failure rates of such use.

5 In addition, for necessary expenses to carry out the  
6 provisions of the Foreign Assistance Act of 1961 for the  
7 prevention, treatment, and control of, and research on,  
8 HIV/AIDS, \$4,779,000,000, to remain available until ex-  
9 pended, and which shall be apportioned directly to the De-  
10 partment of State: *Provided*, That of the funds appro-  
11 priated under this paragraph, not less than \$600,000,000  
12 shall be made available, notwithstanding any other provi-  
13 sion of law, except for the United States Leadership  
14 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003  
15 (Public Law 108–25) for a United States contribution to  
16 the Global Fund to Fight AIDS, Tuberculosis and Ma-  
17 laria, and shall be expended at the minimum rate nec-  
18 essary to make timely payment for projects and activities:  
19 *Provided further*, That up to 3 percent of the aggregate  
20 amount of funds made available to the Global Fund in  
21 fiscal year 2009 may be made available to the United  
22 States Agency for International Development for technical  
23 assistance related to the activities of the Global Fund:  
24 *Provided further*, That of the funds appropriated under  
25 this paragraph, up to \$14,000,000 may be made available,

1 in addition to amounts otherwise available for such pur-  
2 poses, for administrative expenses of the Office of the  
3 Global AIDS Coordinator: *Provided further*, That of the  
4 funds appropriated under this paragraph, not less than  
5 \$40,000,000 shall be made available for a United States  
6 contribution to UNAIDS: *Provided further*, That funds  
7 made available under this heading shall be made available  
8 notwithstanding the second sentence of section 403(a) of  
9 Public Law 108–25.

10 DEVELOPMENT ASSISTANCE

11 For necessary expenses to carry out the provisions  
12 of sections 103, 105, 106, and sections 251 through 255,  
13 and chapter 10 of part I of the Foreign Assistance Act  
14 of 1961, \$1,850,000,000, to remain available until Sep-  
15 tember 30, 2010: *Provided*, That of the funds appro-  
16 priated under this heading that are made available for as-  
17 sistance programs for displaced and orphaned children  
18 and victims of war, not to exceed \$44,000, in addition to  
19 funds otherwise available for such purposes, may be used  
20 to monitor and provide oversight of such programs: *Pro-*  
21 *vided further*, That of the funds appropriated by this Act,  
22 not less than \$250,000,000 shall be made available for  
23 microenterprise and microfinance development programs  
24 for the poor, especially women: *Provided further*, That of  
25 the funds appropriated under this heading, not less than  
26 \$29,000,000 shall be made available for Collaborative Re-

1 search Support Programs: *Provided further*, That of the  
2 funds appropriated under this heading, not less than  
3 \$22,500,000 shall be made available for the American  
4 Schools and Hospitals Abroad program: *Provided further*,  
5 That of the funds appropriated under this heading,  
6 \$10,000,000 shall be made available for cooperative devel-  
7 opment programs within the Office of Private and Vol-  
8 untary Cooperation: *Provided further*, That of the funds  
9 appropriated in this Act, not less than \$300,000,000 shall  
10 be made available for programs and activities to imple-  
11 ment the Senator Paul Simon Water for the Poor Act of  
12 2005 (Public Law 109–121), including for monitoring of  
13 water quality, of which not less than \$125,000,000 should  
14 be made available for such projects in Africa.

15 INTERNATIONAL DISASTER ASSISTANCE

16 For necessary expenses to carry out the provisions  
17 of section 491 of the Foreign Assistance Act of 1961 for  
18 international disaster relief, rehabilitation, and recon-  
19 struction assistance, \$450,000,000, to remain available  
20 until expended.

21 GLOBAL FOOD SECURITY

22 For necessary expenses to carry out the provisions  
23 of chapters 1 and 10 of part I of the Foreign Assistance  
24 Act of 1961, to enhance global food security and for agri-  
25 cultural development programs, notwithstanding any other  
26 provision of law and in addition to funds otherwise made

1 available for such purposes, \$150,000,000, to remain  
2 available until expended: *Provided*, That funds shall be  
3 made available for local or regional purchase and distribu-  
4 tion of food: *Provided further*, That prior to the obligation  
5 of funds and after consultation with other relevant Fed-  
6 eral departments and agencies, the Committees on Appro-  
7 priations, and relevant nongovernmental organizations,  
8 the Administrator of the United States Agency for Inter-  
9 national Development shall submit to the Committees on  
10 Appropriations a strategy for achieving the goals of this  
11 paragraph, specifying the intended country beneficiaries,  
12 amounts of funding, types of activities to be funded, and  
13 expected quantifiable results: *Provided further*, That of the  
14 funds appropriated under this heading, not less than  
15 \$7,000,000 shall be made available for a United States  
16 contribution to the Global Crop Diversity Trust: *Provided*  
17 *further*, That notwithstanding any other provision of law,  
18 to include minimum funding requirements or funding di-  
19 rectives, funds made available under the headings “Devel-  
20 opment Assistance” and “Economic Support Fund” in  
21 prior Acts making appropriations for foreign operations,  
22 export financing, and related programs may be made  
23 available to address critical food shortages, subject to  
24 prior consultation with, and the regular notification proce-  
25 dures of, the Committees on Appropriations.

## TRANSITION INITIATIVES

1  
2       For necessary expenses for international disaster re-  
3 habilitation and reconstruction assistance pursuant to sec-  
4 tion 491 of the Foreign Assistance Act of 1961,  
5 \$50,000,000, to remain available until expended, to sup-  
6 port transition to democracy and to long-term develop-  
7 ment of countries in crisis: *Provided*, That such support  
8 may include assistance to develop, strengthen, or preserve  
9 democratic institutions and processes, revitalize basic in-  
10 frastructure, and foster the peaceful resolution of conflict:  
11 *Provided further*, That the United States Agency for Inter-  
12 national Development shall submit a report to the Com-  
13 mittees on Appropriations at least 5 days prior to begin-  
14 ning a new program of assistance: *Provided further*, That  
15 if the Secretary of State determines that it is important  
16 to the national interests of the United States to provide  
17 transition assistance in excess of the amount appropriated  
18 under this heading, up to \$15,000,000 of the funds appro-  
19 priated by this Act to carry out the provisions of part I  
20 of the Foreign Assistance Act of 1961 may be used for  
21 purposes of this heading and under the authorities appli-  
22 cable to funds appropriated under this heading: *Provided*  
23 *further*, That funds made available pursuant to the pre-  
24 vious proviso shall be made available subject to prior con-  
25 sultation with the Committees on Appropriations.



1 DEVELOPMENT CREDIT AUTHORITY  
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-  
4 vided by the United States Agency for International De-  
5 velopment, as authorized by sections 256 and 635 of the  
6 Foreign Assistance Act of 1961, up to \$25,000,000 may  
7 be derived by transfer from funds appropriated by this Act  
8 to carry out part I of such Act and under the heading  
9 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*  
10 *vided*, That funds provided under this paragraph and  
11 funds provided as a gift pursuant to section 635(d) of the  
12 Foreign Assistance Act of 1961 shall be made available  
13 only for micro and small enterprise programs, urban pro-  
14 grams, and other programs which further the purposes of  
15 part I of such Act: *Provided further*, That such costs, in-  
16 cluding the cost of modifying such direct and guaranteed  
17 loans, shall be as defined in section 502 of the Congres-  
18 sional Budget Act of 1974, as amended: *Provided further*,  
19 That funds made available by this paragraph may be used  
20 for the cost of modifying any such guaranteed loans under  
21 this Act or prior Acts, and funds used for such costs shall  
22 be subject to the regular notification procedures of the  
23 Committees on Appropriations: *Provided further*, That the  
24 provisions of section 107A(d) (relating to general provi-  
25 sions applicable to the Development Credit Authority) of  
26 the Foreign Assistance Act of 1961, as contained in sec-

1 tion 306 of H.R. 1486 as reported by the House Com-  
2 mittee on International Relations on May 9, 1997, shall  
3 be applicable to direct loans and loan guarantees provided  
4 under this heading.

5 In addition, for administrative expenses to carry out  
6 credit programs administered by the United States Agency  
7 for International Development, \$9,000,000, which may be  
8 transferred to, and merged with, funds appropriated by  
9 this Act under the heading “Operating Expenses of the  
10 United States Agency for International Development”:  
11 *Provided*, That funds made available under this heading  
12 shall remain available until September 30, 2011.

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, \$3,098,904,000, to remain available until Sep-  
18 tember 30, 2010: *Provided*, That \$11,000,000 of the  
19 funds appropriated under this heading should be made  
20 available for Cyprus to be used only for scholarships, ad-  
21 ministrative support of the scholarship program,  
22 bicommunal projects, and measures aimed at reunification  
23 of the island and designed to reduce tensions and promote  
24 peace and cooperation between the two communities on  
25 Cyprus: *Provided further*, That funds appropriated under  
26 this heading that are made available for a Middle East

1 Financing Facility, Middle East Enterprise Fund, or any  
2 other similar entity in the Middle East shall be subject  
3 to the regular notification procedures of the Committees  
4 on Appropriations.

5 DEMOCRACY FUND

6 (a) For necessary expenses to carry out the provisions  
7 of the Foreign Assistance Act of 1961 for the promotion  
8 of democracy globally, \$117,500,000, to remain available  
9 until September 30, 2011, of which \$85,000,000 shall be  
10 made available for the Human Rights and Democracy  
11 Fund of the Bureau of Democracy, Human Rights and  
12 Labor, Department of State.

13 (b) Of the funds appropriated under this heading that  
14 are made available to the Bureau of Democracy, Human  
15 Rights and Labor, not less than \$25,000,000 shall be  
16 made available for the promotion of democracy in the Peo-  
17 ple's Republic of China, Hong Kong, and Taiwan, and not  
18 less than \$10,000,000 shall be made available for the pro-  
19 motion of democracy in countries located outside the Mid-  
20 dle East region with a significant Muslim population, and  
21 where such programs and activities would be important  
22 to respond to, deter, or prevent extremism: *Provided*, That  
23 assistance for Taiwan should be matched from sources  
24 other than the United States Government.

1 (c) Of the funds appropriated under this heading,  
2 \$5,000,000 shall be made available for Internet activities  
3 to expand access and information in closed societies.

4 (d) Of the funds appropriated under this heading,  
5 \$2,500,000 shall be made available for the promotion of  
6 democracy in Syria, \$2,500,000 shall be made available  
7 for such programs in Libya, and \$2,500,000 shall be made  
8 available for such programs in North Korea.

9 (e) Of the funds appropriated under this heading, up  
10 to \$20,000,000 shall be made available for programs to  
11 promote democracy in Iran and to counter the political  
12 influence of the Government of Iran in Lebanon and the  
13 West Bank and Gaza: *Provided*, That none of such funds  
14 may be used for educational and cultural exchanges.

15 (f) Funds appropriated by this Act that are made  
16 available for the promotion of democracy may be made  
17 available notwithstanding any other provision of law.  
18 Funds appropriated under this heading are in addition to  
19 funds otherwise made available for such purposes.

20 (g) For the purposes of funds appropriated by this  
21 Act, the term “promotion of democracy” means programs  
22 that support good governance, human rights, independent  
23 media, and the rule of law, and otherwise strengthen the  
24 capacity of democratic political parties, governments, non-  
25 governmental organizations and institutions, and citizens

1 to support the development of democratic states, institu-  
2 tions, and practices that are responsive and accountable  
3 to citizens.

4 (h) Any contract, grant, or cooperative agreement (or  
5 any amendment to any contract, grant, or cooperative  
6 agreement) in excess of \$2,500,000 for the promotion of  
7 democracy under this Act, with the exception of programs  
8 and activities of the National Endowment for Democracy,  
9 shall be subject to the regular notification procedures of  
10 the Committees on Appropriations.

11 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

12 For necessary expenses to carry out the provisions  
13 of the Foreign Assistance Act of 1961, the FREEDOM  
14 Support Act, and the Support for East European Democ-  
15 racy (SEED) Act of 1989, \$661,733,000, to remain avail-  
16 able until September 30, 2010, which shall be available,  
17 notwithstanding any other provision of law, for assistance  
18 and for related programs for countries identified in section  
19 3 of the FREEDOM Support Act and section 3(c) of the  
20 SEED Act: *Provided*, That funds appropriated under this  
21 heading shall be considered to be economic assistance  
22 under the Foreign Assistance Act of 1961 for purposes  
23 of making available the administrative authorities con-  
24 tained in that Act for the use of economic assistance: *Pro-*  
25 *vided further*, That notwithstanding any provision of this  
26 or any other Act, funds appropriated in prior years under

1 the headings “Independent States of the Former Soviet  
2 Union” and similar headings and “Assistance for Eastern  
3 Europe and the Baltic States” and similar headings, and  
4 currencies generated by or converted from such funds,  
5 shall be available for use in any country for which funds  
6 are made available under this heading without regard to  
7 the geographic limitations of the heading under which  
8 such funds were originally appropriated: *Provided further,*  
9 That funds made available for the Southern Caucasus re-  
10 gion may be used for confidence-building measures and  
11 other activities in furtherance of the peaceful resolution  
12 of conflicts: *Provided further,* That of the funds appro-  
13 priated under this heading, not less than \$9,000,000 shall  
14 be made available for humanitarian, conflict mitigation,  
15 human rights, civil society, and relief and recovery assist-  
16 ance for the North Caucasus: *Provided further,* That of  
17 the funds appropriated under this heading that are avail-  
18 able for assistance for Russia, not less than \$500,000  
19 shall be made available to the United States Forest Serv-  
20 ice for forest management and wildlife conservation pro-  
21 grams in the Russian Far East: *Provided further,* That  
22 the terms and conditions of sections 617(e), (e), and (f)  
23 of the Department of State, Foreign Operations, and Re-  
24 lated Programs Appropriations Act, 2008 (division J of

1 Public Law 110–161) shall apply to funds appropriated  
2 under this heading.

3 INTERNATIONAL NARCOTICS CONTROL AND LAW

4 ENFORCEMENT

5 For necessary expenses to carry out section 481 of  
6 the Foreign Assistance Act of 1961, \$925,000,000, to re-  
7 main available until September 30, 2011: *Provided*, That  
8 during fiscal year 2009, the Department of State may also  
9 use the authority of section 608 of the Foreign Assistance  
10 Act of 1961, without regard to its restrictions, to receive  
11 excess property from an agency of the United States Gov-  
12 ernment for the purpose of providing it to a foreign coun-  
13 try or international organization under chapter 8 of part  
14 I of that Act subject to the regular notification procedures  
15 of the Committees on Appropriations: *Provided further*,  
16 That the Secretary of State shall provide to the Commit-  
17 tees on Appropriations not later than 45 days after the  
18 date of the enactment of this Act and prior to the initial  
19 obligation of funds appropriated under this heading, a re-  
20 port on the proposed uses of all funds under this heading  
21 on a country-by-country basis for each proposed program,  
22 project, or activity: *Provided further*, That of the funds  
23 appropriated under this heading, \$5,000,000 should be  
24 made available to combat piracy of United States copy-  
25 righted materials, consistent with the requirements of sec-  
26 tion 688(a) and (b) of the Department of State, Foreign

1 Operations, and Related Programs Appropriations Act,  
2 2008 (division J of Public Law 110–161): *Provided fur-*  
3 *ther*, That of the funds appropriated under this heading,  
4 not more than \$44,000,000 may be available for adminis-  
5 trative expenses.

6 ANDEAN COUNTERDRUG PROGRAMS

7 For necessary expenses to carry out section 481 of  
8 the Foreign Assistance Act of 1961 to support  
9 counterdrug activities in the Andean region of South  
10 America, \$315,000,000, to remain available until Sep-  
11 tember 30, 2011: *Provided*, That the Secretary of State,  
12 in consultation with the Administrator of the United  
13 States Agency for International Development, shall pro-  
14 vide to the Committees on Appropriations not later than  
15 45 days after the date of the enactment of this Act and  
16 prior to the initial obligation of funds appropriated under  
17 this heading, a report on the proposed uses of all funds  
18 under this heading on a country-by-country basis for each  
19 proposed program, project, or activity: *Provided further*,  
20 That section 482(b) of the Foreign Assistance Act of 1961  
21 shall not apply to funds appropriated under this heading:  
22 *Provided further*, That assistance provided with funds ap-  
23 propriated under this heading that is made available not-  
24 withstanding section 482(b) of the Foreign Assistance Act  
25 of 1961 shall be made available subject to the regular noti-  
26 fication procedures of the Committees on Appropriations:



1 *Provided further*, That of the funds appropriated under  
2 this heading, not more than \$16,000,000 may be available  
3 for administrative expenses of the Department of State,  
4 and not more than \$8,000,000 may be available, in addi-  
5 tion to amounts otherwise available for such purposes, for  
6 administrative expenses of the United States Agency for  
7 International Development.

8 DEPARTMENT OF STATE

9 MIGRATION AND REFUGEE ASSISTANCE

10 For expenses, not otherwise provided for, necessary  
11 to enable the Secretary of State to provide, as authorized  
12 by law, a contribution to the International Committee of  
13 the Red Cross, assistance to refugees, including contribu-  
14 tions to the International Organization for Migration and  
15 the United Nations High Commissioner for Refugees, and  
16 other activities to meet refugee and migration needs; sala-  
17 ries and expenses of personnel and dependents as author-  
18 ized by the Foreign Service Act of 1980; allowances as  
19 authorized by sections 5921 through 5925 of title 5,  
20 United States Code; purchase and hire of passenger motor  
21 vehicles; and services as authorized by section 3109 of title  
22 5, United States Code, \$1,100,000,000, to remain avail-  
23 able until expended, of which not more than \$24,000,000  
24 may be available for administrative expenses.

1 UNITED STATES EMERGENCY REFUGEE AND MIGRATION  
2 ASSISTANCE FUND

3 For necessary expenses to carry out the provisions  
4 of section 2(c) of the Migration and Refugee Assistance  
5 Act of 1962, as amended (22 U.S.C. 2601(c)),  
6 \$50,000,000, to remain available until expended.

7 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND  
8 RELATED PROGRAMS

9 For necessary expenses for nonproliferation, anti-ter-  
10 rorism, demining and related programs and activities,  
11 \$564,000,000, to carry out the provisions of chapter 8 of  
12 part II of the Foreign Assistance Act of 1961 for anti-  
13 terrorism assistance, chapter 9 of part II of the Foreign  
14 Assistance Act of 1961, section 504 of the FREEDOM  
15 Support Act, section 23 of the Arms Export Control Act  
16 or the Foreign Assistance Act of 1961 for demining activi-  
17 ties, the clearance of unexploded ordnance, the destruction  
18 of small arms, and related activities, notwithstanding any  
19 other provision of law, including activities implemented  
20 through nongovernmental and international organizations,  
21 and section 301 of the Foreign Assistance Act of 1961  
22 for a voluntary contribution to the International Atomic  
23 Energy Agency (IAEA), and for a United States contribu-  
24 tion to the Comprehensive Nuclear Test Ban Treaty Pre-  
25 paratory Commission: *Provided*, That of this amount not  
26 to exceed \$45,000,000, to remain available until expended,

1 may be made available for the Nonproliferation and Disar-  
2 mament Fund, notwithstanding any other provision of  
3 law, to promote bilateral and multilateral activities relat-  
4 ing to nonproliferation and disarmament, except that this  
5 limitation may be exceeded only through the regular notifi-  
6 cation procedures of the Committees on Appropriations:  
7 *Provided further*, That such funds may also be used for  
8 such countries other than the Independent States of the  
9 former Soviet Union and international organizations when  
10 it is in the national security interest of the United States  
11 to do so: *Provided further*, That funds appropriated under  
12 this heading may be made available for the International  
13 Atomic Energy Agency only if the Secretary of State de-  
14 termines (and so reports to the Congress) that Israel is  
15 not being denied its right to participate in the activities  
16 of that Agency: *Provided further*, That of the funds appro-  
17 priated under this heading, not more than \$750,000 may  
18 be made available for public-private partnerships for con-  
19 ventional weapons and mine action by grant, cooperative  
20 agreement or contract: *Provided further*, That of the funds  
21 made available for demining and related activities, not to  
22 exceed \$700,000, in addition to funds otherwise available  
23 for such purposes, may be used for administrative ex-  
24 penses related to the operation and management of the  
25 demining program: *Provided further*, That funds appro-

1 priated under this heading that are available for “Anti-  
 2 terrorism Assistance” and “Export Control and Border  
 3 Security” shall remain available until September 30,  
 4 2010.

5 INDEPENDENT AGENCIES

6 PEACE CORPS

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses to carry out the provisions  
 9 of the Peace Corps Act (75 Stat. 612), including the pur-  
 10 chase of not to exceed five passenger motor vehicles for  
 11 administrative purposes for use outside of the United  
 12 States, \$337,000,000, to remain available until September  
 13 30, 2010: *Provided*, That none of the funds appropriated  
 14 under this heading shall be used to pay for abortions: *Pro-*  
 15 *vided further*, That the Director may transfer to the For-  
 16 eign Currency Fluctuations Account, as authorized by 22  
 17 U.S.C. 2515, an amount not to exceed \$3,000,000: *Pro-*  
 18 *vided further*, That funds transferred pursuant to the pre-  
 19 vious proviso may not be derived from amounts made  
 20 available for Peace Corps overseas operations.

21 MILLENNIUM CHALLENGE CORPORATION

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out the provisions  
 24 of the Millennium Challenge Act of 2003, \$254,000,000,  
 25 to remain available until expended, of which up to  
 26 \$85,000,000 may be available for administrative expenses

1 of the Millennium Challenge Corporation: *Provided*, That  
2 none of the funds available to carry out section 616 of  
3 such Act may be made available until the Chief Executive  
4 Officer of the Millennium Challenge Corporation provides  
5 a report to the Committees on Appropriations listing the  
6 candidate countries that will be receiving assistance under  
7 section 616 of such Act, the level of assistance proposed  
8 for each such country, a description of the proposed pro-  
9 grams, projects and activities, and the implementing agen-  
10 cy or agencies of the United States Government: *Provided*  
11 *further*, That section 605(e)(4) of the Millennium Chal-  
12 lenge Act of 2003 shall apply to funds appropriated under  
13 this heading.

14 INTER-AMERICAN FOUNDATION

15 For necessary expenses to carry out the functions of  
16 the Inter-American Foundation in accordance with the  
17 provisions of section 401 of the Foreign Assistance Act  
18 of 1969, \$25,000,000, to remain available until September  
19 30, 2010.

20 AFRICAN DEVELOPMENT FOUNDATION

21 For necessary expenses to carry out title V of the  
22 International Security and Development Cooperation Act  
23 of 1980 (Public Law 96-533), \$35,000,000, to remain  
24 available until September 30, 2010: *Provided*, That funds  
25 made available to grantees may be invested pending ex-  
26 penditure for project purposes when authorized by the

1 Board of Directors of the Foundation: *Provided further*,  
2 That interest earned shall be used only for the purposes  
3 for which the grant was made: *Provided further*, That not-  
4 withstanding section 505(a)(2) of the African Develop-  
5 ment Foundation Act, in exceptional circumstances the  
6 Board of Directors of the Foundation may waive the  
7 \$250,000 limitation contained in that section with respect  
8 to a project and a project may exceed the limitation by  
9 up to \$10,000 if the increase is due solely to foreign cur-  
10 rency fluctuation: *Provided further*, That the Foundation  
11 shall provide a report to the Committees on Appropria-  
12 tions after each time such waiver authority is exercised.

13 DEPARTMENT OF THE TREASURY

14 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

15 For necessary expenses to carry out the provisions  
16 of section 129 of the Foreign Assistance Act of 1961,  
17 \$29,000,000, to remain available until September 30,  
18 2011, which shall be available notwithstanding any other  
19 provision of law.

20 DEBT RESTRUCTURING

21 For the cost, as defined in section 502 of the Con-  
22 gressional Budget Act of 1974, of modifying loans and  
23 loan guarantees, as the President may determine, for  
24 which funds have been appropriated or otherwise made  
25 available for programs within the International Affairs  
26 Budget Function 150, including the cost of selling, reduc-

1 ing, or canceling amounts owed to the United States as  
2 a result of concessional loans made to eligible countries,  
3 pursuant to parts IV and V of the Foreign Assistance Act  
4 of 1961, of modifying concessional credit agreements with  
5 least developed countries, as authorized under section 411  
6 of the Agricultural Trade Development and Assistance Act  
7 of 1954, as amended, of concessional loans, guarantees  
8 and credit agreements, as authorized under section 572  
9 of the Foreign Operations, Export Financing, and Related  
10 Programs Appropriations Act, 1989 (Public Law 100–  
11 461), and of canceling amounts owed, as a result of loans  
12 or guarantees made pursuant to the Export-Import Bank  
13 Act of 1945, by countries that are eligible for debt reduc-  
14 tion pursuant to title V of H.R. 3425 as enacted into law  
15 by section 1000(a)(5) of Public Law 106–113,  
16 \$85,000,000, to remain available until September 30,  
17 2011: *Provided*, That not less than \$20,000,000 of the  
18 funds appropriated under this heading shall be made avail-  
19 able to carry out the provisions of part V of the Foreign  
20 Assistance Act of 1961: *Provided further*, That amounts  
21 paid to the HIPC Trust Fund may be used only to fund  
22 debt reduction under the enhanced HIPC initiative by—  
23           (1) the Inter-American Development Bank;  
24           (2) the African Development Fund;  
25           (3) the African Development Bank; and

1           (4) the Central American Bank for Economic  
2       Integration:  
3   *Provided further,* That funds may not be paid to the HIPC  
4   Trust Fund for the benefit of any country if the Secretary  
5   of State has credible evidence that the government of such  
6   country is engaged in a consistent pattern of gross viola-  
7   tions of internationally recognized human rights or in mili-  
8   tary or civil conflict that undermines its ability to develop  
9   and implement measures to alleviate poverty and to devote  
10   adequate human and financial resources to that end: *Pro-*  
11   *vided further,* That on the basis of final appropriations,  
12   the Secretary of the Treasury shall notify the Committees  
13   on Appropriations concerning which countries and inter-  
14   national financial institutions are expected to benefit from  
15   a United States contribution to the HIPC Trust Fund  
16   during the fiscal year: *Provided further,* That the Sec-  
17   retary of the Treasury shall notify the Committees on Ap-  
18   propriations not less than 15 days in advance of the signa-  
19   ture of an agreement by the United States to make pay-  
20   ments to the HIPC Trust Fund of amounts for such coun-  
21   tries and institutions: *Provided further,* That the Secretary  
22   of the Treasury may disburse funds designated for debt  
23   reduction through the HIPC Trust Fund only for the ben-  
24   efit of countries that—



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

9           (2) have documented and demonstrated their  
10          commitment to redirect their budgetary resources  
11          from international debt repayments to programs to  
12          alleviate poverty and promote economic growth that  
13          are additional to or expand upon those previously  
14          available for such purposes:

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

1 TITLE IV  
2 INTERNATIONAL SECURITY ASSISTANCE  
3 FUNDS APPROPRIATED TO THE PRESIDENT  
4 PEACEKEEPING OPERATIONS

5 For necessary expenses to carry out the provisions  
6 of section 551 of the Foreign Assistance Act of 1961,  
7 \$257,200,000: *Provided*, That of the funds made available  
8 under this heading, not less than \$25,000,000 shall be  
9 made available for a United States contribution to the  
10 Multinational Force and Observers mission in the Sinai:  
11 *Provided further*, That none of the funds appropriated  
12 under this heading shall be obligated or expended except  
13 as provided through the regular notification procedures of  
14 the Committees on Appropriations.

15 INTERNATIONAL MILITARY EDUCATION AND TRAINING

16 For necessary expenses to carry out the provisions  
17 of section 541 of the Foreign Assistance Act of 1961,  
18 \$91,500,000, of which up to \$3,000,000 may remain  
19 available until expended and may only be provided through  
20 the regular notification procedures of the Committees on  
21 Appropriations: *Provided*, That the civilian personnel for  
22 whom military education and training may be provided  
23 under this heading may include civilians who are not mem-  
24 bers of a government whose participation would contribute  
25 to improved civil-military relations, civilian control of the  
26 military, or respect for human rights: *Provided further*,

1 That funds made available under this heading for assist-  
2 ance for Haiti, Guatemala, the Democratic Republic of the  
3 Congo, Sri Lanka, Nepal, Ethiopia, Bangladesh, Libya,  
4 and Angola may only be provided through the regular noti-  
5 fication procedures of the Committees on Appropriations  
6 and any such notification shall include a detailed descrip-  
7 tion of proposed activities.

8 FOREIGN MILITARY FINANCING PROGRAM

9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses necessary for grants to enable the  
11 President to carry out the provisions of section 23 of the  
12 Arms Export Control Act, \$4,479,000,000: *Provided*,  
13 That funds appropriated or otherwise made available by  
14 this paragraph shall be nonrepayable notwithstanding any  
15 requirement in section 23 of the Arms Export Control Act:  
16 *Provided further*, That funds made available under this  
17 paragraph shall be obligated upon apportionment in ac-  
18 cordance with paragraph (5)(C) of title 31, United States  
19 Code, section 1501(a): *Provided further*, That \$2,000,000  
20 of the funds appropriated under this heading shall be  
21 transferred to and merged with funds appropriated under  
22 the heading “Diplomatic and Consular Programs” in this  
23 Act to be made available to the Bureau of Democracy,  
24 Human Rights and Labor, Department of State, to ensure  
25 adequate monitoring of the uses of assistance made avail-  
26 able under this heading, in addition to amounts otherwise

1 available for such purposes, subject to prior consultation  
2 with the Committees on Appropriations.

3       None of the funds made available under this heading  
4 shall be available to finance the procurement of defense  
5 articles, defense services, or design and construction serv-  
6 ices that are not sold by the United States Government  
7 under the Arms Export Control Act unless the foreign  
8 country proposing to make such procurements has first  
9 signed an agreement with the United States Government  
10 specifying the conditions under which such procurements  
11 may be financed with such funds, including that such de-  
12 fense articles or services will be used only in accordance  
13 with international law: *Provided*, That all country and  
14 funding level increases in allocations shall be submitted  
15 through the regular notification procedures of section 714  
16 of this Act: *Provided further*, That none of the funds ap-  
17 propriated under this heading may be made available for  
18 assistance for Haiti, Guatemala, Nepal, Sri Lanka, Ban-  
19 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,  
20 Ethiopia, and Democratic Republic of the Congo except  
21 pursuant to the regular notification procedures of the  
22 Committees on Appropriations: *Provided further*, That  
23 funds made available under this heading may be used, not-  
24 withstanding any other provision of law, for demining, the  
25 clearance of unexploded ordnance, and related activities,

1 and may include activities implemented through non-  
2 governmental and international organizations: *Provided*  
3 *further*, That only those countries for which assistance was  
4 justified for the “Foreign Military Sales Financing Pro-  
5 gram” in the fiscal year 1989 congressional presentation  
6 for security assistance programs may utilize funds made  
7 available under this heading for procurement of defense  
8 articles, defense services or design and construction serv-  
9 ices that are not sold by the United States Government  
10 under the Arms Export Control Act: *Provided further*,  
11 That funds appropriated under this heading shall be ex-  
12 pended at the minimum rate necessary to make timely  
13 payment for defense articles and services: *Provided fur-*  
14 *ther*, That not more than \$51,000,000 of the funds appro-  
15 priated under this heading may be obligated for necessary  
16 expenses, including the purchase of passenger motor vehi-  
17 cles for replacement only for use outside of the United  
18 States, for the general costs of administering military as-  
19 sistance and sales: *Provided further*, That not more than  
20 \$470,000,000 of funds realized pursuant to section  
21 21(e)(1)(A) of the Arms Export Control Act may be obli-  
22 gated for expenses incurred by the Department of Defense  
23 during fiscal year 2009 pursuant to section 43(b) of the  
24 Arms Export Control Act, except that this limitation may

1 be exceeded only through the regular notification proce-  
2 dures of the Committees on Appropriations.

3 TITLE V

4 MULTILATERAL ASSISTANCE

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

7 For necessary expenses to carry out the provisions  
8 of section 301 of the Foreign Assistance Act of 1961, and  
9 of section 2 of the United Nations Environment Program  
10 Participation Act of 1973, \$364,000,000.

11 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

12 AGRICULTURAL DEVELOPMENT

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

17 INTERNATIONAL FINANCIAL INSTITUTIONS

18 GLOBAL ENVIRONMENT FACILITY

19 For the United States contribution for the Global En-  
20 vironment Facility, \$100,000,000 to the International  
21 Bank for Reconstruction and Development as trustee for  
22 the Global Environment Facility, by the Secretary of the  
23 Treasury, to remain available until expended: *Provided*,  
24 That of the funds appropriated under this heading,  
25 \$20,000,000 shall be made available for a United States

1 contribution to the Least Developed Countries Fund to  
2 support grants for climate change adaptation programs  
3 and activities, including National Adaptation Programs of  
4 Action, if the Global Environment Facility makes publicly  
5 available on its website an annual report detailing: the cri-  
6 teria used to determine which programs and activities re-  
7 ceive funds; the manner in which specific programs and  
8 activities meet such criteria; the extent of local community  
9 involvement in such programs and activities; the amount  
10 of funds provided; and results achieved.

11 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT  
12 ASSOCIATION

13 For payment to the International Development Asso-  
14 ciation by the Secretary of the Treasury, \$1,177,000,000,  
15 to remain available until expended.

16 CLEAN ENERGY TECHNOLOGY  
17 (INCLUDING TRANSFER OF FUNDS)

18 For contributions to an international clean energy  
19 technology fund established by the World Bank or by an-  
20 other multilateral or bilateral entity, \$200,000,000, to re-  
21 main available until September 30, 2010: *Provided*, That  
22 funds appropriated under this heading may be made avail-  
23 able if the Secretary of the Treasury certifies and reports  
24 to the Committees on Appropriations that: (1) the fund  
25 will operate in a manner consistent with the objectives of  
26 the United Nations Framework Convention on Climate

1 Change and will finance only zero-carbon renewable tech-  
2 nologies and energy efficient end-use technologies that are  
3 commercially available, can be implemented on a large  
4 scale, and have clear potential to become cost-competitive  
5 for private investors or consumers, without subsidies, by  
6 2020; and (2) the World Bank, or such other entity, will  
7 implement carbon accounting for all of its relevant  
8 projects, that reflects the global economic, social and envi-  
9 ronmental costs of a unit of carbon emissions: *Provided*  
10 *further*, That if the Secretary of the Treasury does not  
11 make the certification and report required under this  
12 heading by September 30, 2009, funds appropriated under  
13 this heading shall be transferred to, and merged with,  
14 funds appropriated by this Act under the headings “Devel-  
15 opment Assistance” and “Economic Support Fund” and  
16 shall be made available to support programs or activities  
17 described under this heading: *Provided further*, That funds  
18 appropriated under this heading that are available for an  
19 international clean energy technology fund shall be  
20 matched by sources other than the United States Govern-  
21 ment: *Provided further*, That funds appropriated under  
22 this heading shall be subject to the regular notification  
23 procedures of the Committees on Appropriations.



1 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS  
2 MULTILATERAL INVESTMENT FUND

3 For payment to the Enterprise for the Americas Mul-  
4 tilateral Investment Fund by the Secretary of the Treas-  
5 ury, for the United States contribution to the fund,  
6 \$25,000,000, to remain available until expended.

7 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

8 For the United States contribution by the Secretary  
9 of the Treasury to the increase in resources of the Asian  
10 Development Fund, as authorized by the Asian Develop-  
11 ment Bank Act, as amended, \$101,186,000, to remain  
12 available until expended.

13 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

14 For the United States contribution by the Secretary  
15 of the Treasury to the increase in resources of the African  
16 Development Fund, \$146,055,000, to remain available  
17 until expended.

18 TITLE VI

19 EXPORT AND INVESTMENT ASSISTANCE

20 EXPORT-IMPORT BANK OF THE UNITED STATES

21 INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector  
23 General in carrying out the provisions of the Inspector  
24 General Act of 1978, as amended, \$2,500,000, to remain  
25 available until September 30, 2010.

## PROGRAM ACCOUNT

1  
2       The Export-Import Bank of the United States is au-  
3 thorized to make such expenditures within the limits of  
4 funds and borrowing authority available to such corpora-  
5 tion, and in accordance with law, and to make such con-  
6 tracts and commitments without regard to fiscal year limi-  
7 tations, as provided by section 104 of the Government  
8 Corporation Control Act, as may be necessary in carrying  
9 out the program for the current fiscal year for such cor-  
10 poration: *Provided*, That none of the funds available dur-  
11 ing the current fiscal year may be used to make expendi-  
12 tures, contracts, or commitments for the export of nuclear  
13 equipment, fuel, or technology to any country, other than  
14 a nuclear-weapon state as defined in Article IX of the  
15 Treaty on the Non-Proliferation of Nuclear Weapons eligi-  
16 ble to receive economic or military assistance under this  
17 Act, that has detonated a nuclear explosive after the date  
18 of the enactment of this Act: *Provided further*, That not-  
19 withstanding section 1(c) of Public Law 103-428, as  
20 amended, sections 1(a) and (b) of Public Law 103-428  
21 shall remain in effect through October 1, 2009: *Provided*  
22 *further*, That not less than 10 percent of the aggregate  
23 loan, guarantee, and insurance authority available to the  
24 Export-Import Bank under this Act should be used for

1 zero-carbon renewable energy and energy efficient end-use  
2 technologies.

3 SUBSIDY APPROPRIATION

4 For the cost of direct loans, loan guarantees, insur-  
5 ance, and tied-aid grants as authorized by section 10 of  
6 the Export-Import Bank Act of 1945, as amended, not  
7 to exceed \$41,000,000: *Provided*, That such costs, includ-  
8 ing the cost of modifying such loans, shall be as defined  
9 in section 502 of the Congressional Budget Act of 1974:  
10 *Provided further*, That such funds shall remain available  
11 until September 30, 2024, for the disbursement of direct  
12 loans, loan guarantees, insurance and tied-aid grants obli-  
13 gated in fiscal years 2009, 2010, 2011, and 2012: *Pro-*  
14 *vided further*, That none of the funds appropriated by this  
15 Act or any prior Act appropriating funds for foreign oper-  
16 ations, export financing, and related programs for tied-  
17 aid credits or grants may be used for any other purpose  
18 except through the regular notification procedures of the  
19 Committees on Appropriations: *Provided further*, That  
20 funds appropriated by this paragraph are made available  
21 notwithstanding section 2(b)(2) of the Export-Import  
22 Bank Act of 1945, in connection with the purchase or  
23 lease of any product by any Eastern European country,  
24 any Baltic State or any agency or national thereof.

25 Of the funds appropriated under this heading that  
26 are available for tied-aid grants in prior Acts making ap-

1 appropriations for foreign operations, export financing, and  
2 related programs, \$17,000,000 are rescinded.

3 Of the unobligated balances available under this  
4 heading in Public Law 109–102, \$25,000,000 are re-  
5 scinded.

6 ADMINISTRATIVE EXPENSES

7 For administrative expenses to carry out the direct  
8 and guaranteed loan and insurance programs, including  
9 hire of passenger motor vehicles and services as authorized  
10 by 5 U.S.C. 3109, and not to exceed \$30,000 for official  
11 reception and representation expenses for members of the  
12 Board of Directors, not to exceed \$81,500,000: *Provided*,  
13 That the Export-Import Bank may accept, and use, pay-  
14 ment or services provided by transaction participants for  
15 legal, financial, or technical services in connection with  
16 any transaction for which an application for a loan, guar-  
17 antee or insurance commitment has been made: *Provided*  
18 *further*, That notwithstanding subsection (b) of section  
19 117 of the Export Enhancement Act of 1992, subsection  
20 (a) thereof shall remain in effect until October 1, 2009.

21 RECEIPTS COLLECTED

22 Receipts collected pursuant to the Export-Import  
23 Bank Act of 1945, as amended, and the Federal Credit  
24 Reform Act of 1990, as amended, in an amount not to  
25 exceed the amount appropriated herein, shall be credited  
26 as offsetting collections to this account: *Provided*, That the

1 sums herein appropriated from the General Fund shall be  
2 reduced on a dollar-for-dollar basis by such offsetting col-  
3 lections so as to result in a final fiscal year appropriation  
4 from the General Fund estimated at \$0: *Provided further,*  
5 That amounts collected in fiscal year 2009 in excess of  
6 obligations, up to \$50,000,000, shall become available  
7 September 29, 2009 and shall remain available until Sep-  
8 tember 30, 2012.

9 OVERSEAS PRIVATE INVESTMENT CORPORATION

10 NONCREDIT ACCOUNT

11 The Overseas Private Investment Corporation is au-  
12 thorized to make, without regard to fiscal year limitations,  
13 as provided by 31 U.S.C. 9104, such expenditures and  
14 commitments within the limits of funds available to it and  
15 in accordance with law as may be necessary: *Provided,*  
16 That the amount available for administrative expenses to  
17 carry out the credit and insurance programs (including an  
18 amount for official reception and representation expenses  
19 which shall not exceed \$35,000) shall not exceed  
20 \$50,600,000: *Provided further,* That project-specific trans-  
21 action costs, including direct and indirect costs incurred  
22 in claims settlements, and other direct costs associated  
23 with services provided to specific investors or potential in-  
24 vestors pursuant to section 234 of the Foreign Assistance

1 Act of 1961, shall not be considered administrative ex-  
2 penses for the purposes of this heading.

3 PROGRAM ACCOUNT

4 For the cost of direct and guaranteed loans,  
5 \$29,000,000, as authorized by section 234 of the Foreign  
6 Assistance Act of 1961, to be derived by transfer from  
7 the Overseas Private Investment Corporation Noncredit  
8 Account: *Provided*, That such costs, including the cost of  
9 modifying such loans, shall be as defined in section 502  
10 of the Congressional Budget Act of 1974: *Provided fur-*  
11 *ther*, That such sums shall be available for direct loan obli-  
12 gations and loan guaranty commitments incurred or made  
13 during fiscal years 2009, 2010, and 2011: *Provided fur-*  
14 *ther*, That funds so obligated in fiscal year 2009 remain  
15 available for disbursement through 2017; funds obligated  
16 in fiscal year 2010 remain available for disbursement  
17 through 2018; and funds obligated in fiscal year 2011 re-  
18 main available for disbursement through 2019: *Provided*  
19 *further*, That notwithstanding any other provision of law,  
20 the Overseas Private Investment Corporation is authorized  
21 to undertake any program authorized by title IV of the  
22 Foreign Assistance Act of 1961 in Iraq: *Provided further*,  
23 That funds made available pursuant to the authority of  
24 the previous proviso shall be subject to the regular notifi-  
25 cation procedures of the Committees on Appropriations.

1        In addition, such sums as may be necessary for ad-  
2 ministrative expenses to carry out the credit program may  
3 be derived from amounts available for administrative ex-  
4 penses to carry out the credit and insurance programs in  
5 the Overseas Private Investment Corporation Noncredit  
6 Account and merged with said account.

7            FUNDS APPROPRIATED TO THE PRESIDENT

8                    TRADE AND DEVELOPMENT AGENCY

9        For necessary expenses to carry out the provisions  
10 of section 661 of the Foreign Assistance Act of 1961,  
11 \$50,800,000, to remain available until September 30,  
12 2010.

13                            TITLE VII

14                                    GENERAL PROVISIONS

15                    COMPENSATION FOR UNITED STATES EXECUTIVE

16 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

17        SEC. 701. (a) No funds appropriated in titles II  
18 through VI of this Act may be made as payment to any  
19 international financial institution while the United States  
20 Executive Director to such institution is compensated by  
21 the institution at a rate which, together with whatever  
22 compensation such Director receives from the United  
23 States, is in excess of the rate provided for an individual  
24 occupying a position at level IV of the Executive Schedule  
25 under section 5315 of title 5, United States Code, or while

1 any alternate United States Director to such institution  
2 is compensated by the institution at a rate in excess of  
3 the rate provided for an individual occupying a position  
4 at level V of the Executive Schedule under section 5316  
5 of title 5, United States Code.

6 (b) For purposes of this section “international finan-  
7 cial institutions” are: the International Bank for Recon-  
8 struction and Development, the Inter-American Develop-  
9 ment Bank, the Asian Development Bank, the Asian De-  
10 velopment Fund, the African Development Bank, the Afri-  
11 can Development Fund, the International Monetary Fund,  
12 the International Finance Corporation, the North Amer-  
13 ican Development Bank, and the European Bank for Re-  
14 construction and Development.

15 LIMITATION ON RESIDENCE EXPENSES

16 SEC. 702. Of the funds appropriated or made avail-  
17 able pursuant to titles II and III of this Act, not to exceed  
18 \$100,500 shall be for official residence expenses of the  
19 United States Agency for International Development dur-  
20 ing the current fiscal year: *Provided*, That appropriate  
21 steps shall be taken to assure that, to the maximum extent  
22 possible, United States-owned foreign currencies are uti-  
23 lized in lieu of dollars.

24 UNOBLIGATED BALANCES REPORT

25 SEC. 703. Any Department or Agency to which funds  
26 are appropriated or otherwise made available by this Act



1 shall provide to the Committees on Appropriations a quar-  
2 terly accounting of cumulative balances by program,  
3 project, and activity of the funds received by such Depart-  
4 ment or Agency in this fiscal year or any previous fiscal  
5 year that remain unobligated and unexpended.

6       LIMITATION ON REPRESENTATIONAL ALLOWANCES

7       SEC. 704. Of the funds appropriated or made avail-  
8 able pursuant to titles II through VI of this Act, not to  
9 exceed \$250,000 shall be available for representation and  
10 entertainment allowances, of which not to exceed \$5,000  
11 shall be available for entertainment allowances, for the  
12 United States Agency for International Development dur-  
13 ing the current fiscal year: *Provided*, That no such enter-  
14 tainment funds may be used for the purposes listed in sec-  
15 tion 743 of this Act: *Provided further*, That appropriate  
16 steps shall be taken to assure that, to the maximum extent  
17 possible, United States-owned foreign currencies are uti-  
18 lized in lieu of dollars: *Provided further*, That of the funds  
19 made available by this Act for general costs of admin-  
20 istering military assistance and sales under the heading  
21 “Foreign Military Financing Program”, not to exceed  
22 \$4,000 shall be available for entertainment expenses and  
23 not to exceed \$130,000 shall be available for representa-  
24 tion allowances: *Provided further*, That of the funds made  
25 available by this Act under the heading “International  
26 Military Education and Training”, not to exceed \$55,000

1 shall be available for entertainment allowances: *Provided*  
2 *further*, That of the funds made available by this Act for  
3 the Inter-American Foundation, not to exceed \$3,000  
4 shall be available for entertainment and representation al-  
5 lowances: *Provided further*, That of the funds made avail-  
6 able by this Act for the Peace Corps, not to exceed \$4,000  
7 shall be available for entertainment expenses: *Provided*  
8 *further*, That of the funds made available by this Act  
9 under the heading “Trade and Development Agency”, not  
10 to exceed \$4,000 shall be available for representation and  
11 entertainment allowances: *Provided further*, That of the  
12 funds made available by this Act under the heading “Mil-  
13 lennium Challenge Corporation”, not to exceed \$75,000  
14 shall be available for representation and entertainment al-  
15 lowances.

16 PROHIBITION ON TAXATION OF UNITED STATES

17 ASSISTANCE

18 SEC. 705. (a) PROHIBITION ON TAXATION.—None of  
19 the funds appropriated under titles II through VI of this  
20 Act may be made available to provide assistance for a for-  
21 eign country under a new bilateral agreement governing  
22 the terms and conditions under which such assistance is  
23 to be provided unless such agreement includes a provision  
24 stating that assistance provided by the United States shall  
25 be exempt from taxation, or reimbursed, by the foreign  
26 government, and the Secretary of State shall expeditiously

1 seek to negotiate amendments to existing bilateral agree-  
2 ments, as necessary, to conform with this requirement.

3 (b) REIMBURSEMENT OF FOREIGN TAXES.—An  
4 amount equivalent to 200 percent of the total taxes as-  
5 sessed during fiscal year 2008 on funds appropriated by  
6 this Act by a foreign government or entity against com-  
7 modities financed under United States assistance pro-  
8 grams for which funds are appropriated by this Act, either  
9 directly or through grantees, contractors and subcontrac-  
10 tors shall be withheld from obligation from funds appro-  
11 priated for assistance for fiscal year 2009 and allocated  
12 for the central government of such country and for the  
13 West Bank and Gaza program to the extent that the Sec-  
14 retary of State certifies and reports in writing to the Com-  
15 mittees on Appropriations that such taxes have not been  
16 reimbursed to the Government of the United States.

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

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

1 (e) DETERMINATIONS.—

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

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

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

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

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

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

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

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

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

14 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN  
15 COUNTRIES

16 SEC. 706. None of the funds appropriated or other-  
17 wise made available pursuant to this Act shall be obligated  
18 or expended to finance directly any assistance or repara-  
19 tions to Cuba, North Korea, Iran, or Syria, unless the  
20 President determines that assistance to such countries is  
21 important to the national interest of the United States  
22 and notifies the Committees on Appropriations in accord-  
23 ance with the regular notification procedures: *Provided,*  
24 That for purposes of this section, the prohibition on obli-  
25 gations or expenditures shall include direct loans, credits,

1 insurance and guarantees of the Export-Import Bank or  
2 its agents.

3 MILITARY COUPS

4 SEC. 707. None of the funds appropriated or other-  
5 wise made available pursuant to titles II through VI of  
6 this Act shall be obligated or expended to finance directly  
7 any assistance to the government of any country whose  
8 duly elected head of government is deposed by military  
9 coup or decree: *Provided*, That assistance may be resumed  
10 to such government if the President determines and cer-  
11 tifies to the Committees on Appropriations that subse-  
12 quent to the termination of assistance a democratically  
13 elected government has taken office: *Provided further*,  
14 That the provisions of this section shall not apply to as-  
15 sistance to promote democratic elections or public partici-  
16 pation in democratic processes: *Provided further*, That  
17 funds made available pursuant to the previous provisos  
18 shall be subject to the regular notification procedures of  
19 the Committees on Appropriations.

20 TRANSFER AUTHORITY

21 SEC. 708. (a) DEPARTMENT OF STATE AND BROAD-  
22 CASTING BOARD OF GOVERNORS.—Not to exceed 5 per-  
23 cent of any appropriation made available for the current  
24 fiscal year for the Department of State under title I of  
25 this Act may be transferred between such appropriations,  
26 but no such appropriation, except as otherwise specifically

1 provided, shall be increased by more than 10 percent by  
2 any such transfers: *Provided*, That not to exceed 5 percent  
3 of any appropriation made available for the current fiscal  
4 year for the Broadcasting Board of Governors under title  
5 I of this Act may be transferred between such appropria-  
6 tions, but no such appropriation, except as otherwise spe-  
7 cifically provided, shall be increased by more than 10 per-  
8 cent by any such transfers: *Provided further*, That any  
9 transfer pursuant to this section shall be treated as a re-  
10 programming of funds under section 714(a) and (b) of  
11 this Act and shall not be available for obligation or ex-  
12 penditure except in compliance with the procedures set  
13 forth in that section.

14 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—  
15 Not to exceed 5 percent of any appropriation other than  
16 for administrative expenses made available for fiscal year  
17 2009, for programs under title VI of this Act may be  
18 transferred between such appropriations for use for any  
19 of the purposes, programs, and activities for which the  
20 funds in such receiving account may be used, but no such  
21 appropriation, except as otherwise specifically provided,  
22 shall be increased by more than 25 percent by any such  
23 transfer: *Provided*, That the exercise of such authority  
24 shall be subject to the regular notification procedures of  
25 the Committees on Appropriations.

1           (c)(1) LIMITATION ON TRANSFERS BETWEEN AGEN-  
2 CIES.—None of the funds made available under titles II  
3 through VI of this Act may be transferred to any depart-  
4 ment, agency, or instrumentality of the United States  
5 Government, except pursuant to a transfer made by, or  
6 transfer authority provided in, this Act or any other ap-  
7 propriation Act.

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

15           (d) TRANSFERS BETWEEN ACCOUNTS.—None of the  
16 funds made available under titles II through VI of this  
17 Act may be obligated under an appropriation account to  
18 which they were not appropriated, except for transfers  
19 specifically provided for in this Act, unless the President  
20 provides notification in accordance with the regular notifi-  
21 cation procedures of the Committees on Appropriations.

22           (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any  
23 agreement for the transfer or allocation of funds appro-  
24 priated by this Act, or prior Acts, entered into between  
25 the United States Agency for International Development



1 and another agency of the United States Government  
2 under the authority of section 632(a) of the Foreign As-  
3 sistance Act of 1961 or any comparable provision of law,  
4 shall expressly provide that the Office of the Inspector  
5 General for the agency receiving the transfer or allocation  
6 of such funds shall perform periodic program and financial  
7 audits of the use of such funds: *Provided*, That funds  
8 transferred under such authority may be made available  
9 for the cost of such audits.

10           COMMERCIAL LEASING OF DEFENSE ARTICLES

11           SEC. 709. Notwithstanding any other provision of  
12 law, and subject to the regular notification procedures of  
13 the Committees on Appropriations, the authority of sec-  
14 tion 23(a) of the Arms Export Control Act may be used  
15 to provide financing to Israel, Egypt and NATO and  
16 major non-NATO allies for the procurement by leasing  
17 (including leasing with an option to purchase) of defense  
18 articles from United States commercial suppliers, not in-  
19 cluding Major Defense Equipment (other than helicopters  
20 and other types of aircraft having possible civilian applica-  
21 tion), if the President determines that there are compel-  
22 ling foreign policy or national security reasons for those  
23 defense articles being provided by commercial lease rather  
24 than by government-to-government sale under such Act.

## 1 AVAILABILITY OF FUNDS

2 SEC. 710. No part of any appropriation contained in  
3 this Act shall remain available for obligation after the ex-  
4 piration of the current fiscal year unless expressly so pro-  
5 vided in this Act: *Provided*, That funds appropriated for  
6 the purposes of chapters 1, 8, 11, and 12 of part I, section  
7 661, section 667, chapters 4, 5, 6, 8, and 9 of part II  
8 of the Foreign Assistance Act of 1961, section 23 of the  
9 Arms Export Control Act, and funds provided under the  
10 headings “Assistance for Europe, Eurasia and Central  
11 Asia” and “Development Credit Authority”, shall remain  
12 available for an additional 4 years from the date on which  
13 the availability of such funds would otherwise have ex-  
14 pired, if such funds are initially obligated before the expi-  
15 ration of their respective periods of availability contained  
16 in this Act: *Provided further*, That, notwithstanding any  
17 other provision of this Act, any funds made available for  
18 the purposes of chapter 1 of part I and chapter 4 of part  
19 II of the Foreign Assistance Act of 1961 which are allo-  
20 cated or obligated for cash disbursements in order to ad-  
21 dress balance of payments or economic policy reform ob-  
22 jectives, shall remain available until expended.

## 23 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

24 SEC. 711. No part of any appropriation provided  
25 under titles II through VI in this Act shall be used to  
26 furnish assistance to the government of any country which

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

9 COMMERCE AND TRADE

10 SEC. 712. (a) None of the funds appropriated or  
11 made available pursuant to titles II through VI of this  
12 Act for direct assistance and none of the funds otherwise  
13 made available to the Export-Import Bank and the Over-  
14 seas Private Investment Corporation shall be obligated or  
15 expended to finance any loan, any assistance or any other  
16 financial commitments for establishing or expanding pro-  
17 duction of any commodity for export by any country other  
18 than the United States, if the commodity is likely to be  
19 in surplus on world markets at the time the resulting pro-  
20 ductive capacity is expected to become operative and if the  
21 assistance will cause substantial injury to United States  
22 producers of the same, similar, or competing commodity:  
23 *Provided*, That such prohibition shall not apply to the Ex-  
24 port-Import Bank if in the judgment of its Board of Direc-  
25 tors the benefits to industry and employment in the  
26 United States are likely to outweigh the injury to United

1 States producers of the same, similar, or competing com-  
2 modity, and the Chairman of the Board so notifies the  
3 Committees on Appropriations.

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

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

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

20 SURPLUS COMMODITIES

21 SEC. 713. The Secretary of the Treasury shall in-  
22 struct the United States Executive Directors to the Inter-  
23 national Bank for Reconstruction and Development, the  
24 International Development Association, the International  
25 Finance Corporation, the Inter-American Development  
26 Bank, the International Monetary Fund, the Inter-Amer-

1 ican Investment Corporation, the Asian Development  
2 Bank, the African Development Bank, the African Devel-  
3 opment Fund, the North American Development Bank,  
4 and the European Bank for Reconstruction and Develop-  
5 ment to use the voice and vote of the United States to  
6 oppose any assistance by these institutions, using funds  
7 appropriated or made available pursuant to titles II  
8 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       REPROGRAMMING NOTIFICATION REQUIREMENTS

14       SEC. 714. (a) None of the funds made available in  
15 title I of this Act, or in prior appropriations Acts to the  
16 agencies and departments funded by this Act that remain  
17 available for obligation or expenditure in fiscal year 2009,  
18 or provided from any accounts in the Treasury of the  
19 United States derived by the collection of fees or of cur-  
20 rency reflows or other offsetting collections, or made avail-  
21 able by transfer, to the agencies and departments funded  
22 by this Act, shall be available for obligation or expenditure  
23 through a reprogramming of funds that: (1) creates new  
24 programs; (2) eliminates a program, project, or activity;  
25 (3) increases funds or personnel by any means for any  
26 project or activity for which funds have been denied or

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

8 (b) For the purposes of providing the executive  
9 branch with the necessary administrative flexibility, none  
10 of the funds provided under title I of this Act, or provided  
11 under previous appropriations Acts to the agency or de-  
12 partment funded under title I of this Act that remain  
13 available for obligation or expenditure in fiscal year 2009,  
14 or provided from any accounts in the Treasury of the  
15 United States derived by the collection of fees available  
16 to the agency or department funded by title I of this Act,  
17 shall be available for obligation or expenditure for activi-  
18 ties, programs, or projects through a reprogramming of  
19 funds in excess of \$750,000 or 10 percent, whichever is  
20 less, that: (1) augments existing programs, projects, or ac-  
21 tivities; (2) reduces by 10 percent funding for any existing  
22 program, project, or activity, or numbers of personnel by  
23 10 percent as justified to Congress; or (3) results from  
24 any general savings, including savings from a reduction  
25 in personnel, which would result in a change in existing

1 programs, activities, or projects as justified to Congress;  
2 unless the Committees on Appropriations are notified 15  
3 days in advance of such reprogramming of funds.

4 (c) For the purposes of providing the executive  
5 branch with the necessary administrative flexibility, none  
6 of the funds made available under titles II through IV of  
7 this Act for “Global Health and Child Survival”, “Devel-  
8 opment Assistance”, “International Organizations and  
9 Programs”, “Trade and Development Agency”, “Inter-  
10 national Narcotics Control and Law Enforcement”, “An-  
11 dean Counterdrug Programs”, “Assistance for Europe,  
12 Eurasia and Central Asia”, “Economic Support Fund”,  
13 “Democracy Fund”, “Peacekeeping Operations”, “Capital  
14 Investment Fund”, “Operating Expenses of the United  
15 States Agency for International Development”, “Oper-  
16 ating Expenses of the United States Agency for Inter-  
17 national Development Office of Inspector General”, “Non-  
18 proliferation, Anti-terrorism, Demining and Related Pro-  
19 grams”, “Millennium Challenge Corporation” (by country  
20 only), “Foreign Military Financing Program”, “Inter-  
21 national Military Education and Training”, “Peace  
22 Corps”, and “Migration and Refugee Assistance”, shall be  
23 available for obligation for activities, programs, projects,  
24 type of materiel assistance, countries, or other operations  
25 not justified or in excess of the amount justified to the

1 Committees on Appropriations for obligation under any of  
2 these specific headings unless the Committees on Appro-  
3 priations are previously notified 15 days in advance: *Pro-*  
4 *vided*, That the President shall not enter into any commit-  
5 ment of funds appropriated for the purposes of section 23  
6 of the Arms Export Control Act for the provision of major  
7 defense equipment, other than conventional ammunition,  
8 or other major defense items defined to be aircraft, ships,  
9 missiles, or combat vehicles, not previously justified to  
10 Congress or 20 percent in excess of the quantities justified  
11 to Congress unless the Committees on Appropriations are  
12 notified 15 days in advance of such commitment: *Provided*  
13 *further*, That this subsection shall not apply to any re-  
14 programming for an activity, program, or project for  
15 which funds are appropriated under titles II through IV  
16 of this Act of less than 10 percent of the amount pre-  
17 viously justified to the Congress for obligation for such  
18 activity, program, or project for the current fiscal year.

19 (d) Notwithstanding any other provision of law, funds  
20 transferred by the Department of Defense to the Depart-  
21 ment of State and the United States Agency for Inter-  
22 national Development shall be subject to the regular noti-  
23 fication procedures of the Committees on Appropriations,  
24 and the agency receiving the transfer or allocation shall  
25 perform periodic program financial audits of the use of



1 such funds and such funds may be made available for the  
2 cost of such audits.

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

18 LIMITATION ON AVAILABILITY OF FUNDS FOR  
19 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

20 SEC. 715. Subject to the regular notification proce-  
21 dures of the Committees on Appropriations, funds appro-  
22 priated under titles II through VI of this Act or any pre-  
23 viously enacted Act making appropriations for foreign op-  
24 erations, export financing, and related programs, which  
25 are returned or not made available for organizations and  
26 programs because of the implementation of section 307(a)

1 of the Foreign Assistance Act of 1961, shall remain avail-  
2 able for obligation until September 30, 2010.

3 NEAR EAST SECURITY AND STABILITY

4 SEC. 716. (a) BAHRAIN.—Of the funds appropriated  
5 under the heading “Foreign Military Financing Program”  
6 in this Act, up to \$19,500,000 may be made available for  
7 assistance for Bahrain.

8 (b) EGYPT.—

9 (1) Of the funds appropriated under the head-  
10 ing “Economic Support Fund” in this Act, not less  
11 than \$200,000,000 shall be made available for as-  
12 sistance for Egypt, which sum shall be provided on  
13 a grant basis, and of which sum cash transfer assist-  
14 ance shall be provided with the understanding that  
15 Egypt will undertake significant economic and demo-  
16 cratic reforms which are additional to those which  
17 were undertaken in previous fiscal years: *Provided,*  
18 That not less than \$10,000,000 of such funds shall  
19 be made available for scholarships for Egyptian stu-  
20 dents with high financial needs.

21 (2) Of the funds appropriated under the head-  
22 ing “Foreign Military Financing Program” in this  
23 Act, not less than \$1,300,000,000 shall be made  
24 available for grants only for Egypt, including for  
25 border security programs and activities in the Sinai:  
26 *Provided,* That foreign military financing program

1 funds estimated to be outlaid for Egypt during fis-  
2 cal year 2009 shall be transferred to an interest  
3 bearing account for Egypt in the Federal Reserve  
4 Bank of New York within 30 days of enactment of  
5 this Act.

6 (3) Of the funds appropriated by this Act and  
7 prior Acts making appropriations for foreign oper-  
8 ations, export financing and related programs under  
9 the heading “Economic Support Fund”, up to  
10 \$200,000,000 may be made available for an endow-  
11 ment to further economic and political reforms in  
12 Egypt: *Provided*, That the Secretary of State shall  
13 consult with the Committees on Appropriations on  
14 the establishment of such an endowment.

15 (c) IRAQ.—Of the funds appropriated under the  
16 headings “Economic Support Fund” and “International  
17 Narcotics Control and Law Enforcement” in this Act, not  
18 more than \$75,000,000 shall be made available for pro-  
19 grams and activities in Iraq.

20 (d) ISRAEL.—

21 (1) Of the funds appropriated under the head-  
22 ing “Foreign Military Financing Program” in this  
23 Act, not less than \$2,380,000,000 shall be made  
24 available for grants only for Israel, which shall be  
25 disbursed within 30 days of enactment of this Act

1 or by October 31, 2008, whichever is later: *Provided*,  
2 That to the extent the Government of Israel requests  
3 that funds be used for such purposes, grants made  
4 available for Israel by this section shall, as agreed  
5 by Israel and the United States, be available for ad-  
6 vanced weapons systems, of which not less than  
7 \$670,650,000 shall be available for the procurement  
8 in Israel of defense articles and defense services, in-  
9 cluding research and development.

10 (2) Of the funds appropriated under the head-  
11 ing “Migration and Refugee Assistance” in this Act,  
12 not less than \$30,000,000 shall be made available  
13 for refugees resettling in Israel.

14 (e) JORDAN.—

15 (1) Of the funds appropriated under the head-  
16 ing “Economic Support Fund” in this Act, not less  
17 than \$263,547,000 shall be made available for as-  
18 sistance for Jordan.

19 (2) Of the funds appropriated under the head-  
20 ing “Foreign Military Financing Program” in this  
21 Act, not less than \$235,000,000 shall be made avail-  
22 able for assistance for Jordan.

23 (f) LEBANON.—

24 (1) Of the funds appropriated under the head-  
25 ing “Economic Support Fund” in this Act, up to

1       \$67,500,000 may be made available for assistance  
2       for Lebanon, of which not less than \$10,000,000  
3       shall be made available for scholarships in Lebanon,  
4       and of which not less than \$500,000 shall be made  
5       available to the United States Forest Service for for-  
6       est management and wildlife conservation programs  
7       in Lebanon and the region.

8           (2) Of the funds appropriated under the head-  
9       ing “Foreign Military Financing Program” in this  
10      Act, up to \$62,200,000 may be made available for  
11      assistance for Lebanon.

12      (g) LIBYA.—Notwithstanding any other provision of  
13      law, of the funds appropriated under the heading “Non-  
14      proliferation, Anti-terrorism, Demining and Related Pro-  
15      grams” in this Act, up to \$750,000 shall be made avail-  
16      able for assistance for Libya.

17      (h) OMAN.—Of the funds appropriated under the  
18      heading “Foreign Military Financing Program” in this  
19      Act, up to \$12,000,000 may be made available for assist-  
20      ance for Oman.

21      (i) TUNISIA.—Of the funds appropriated under the  
22      heading “Foreign Military Financing Program” in this  
23      Act, \$8,360,000 shall be made available for assistance for  
24      Tunisia.

1 (j) TURKEY.—Of the funds appropriated under the  
2 heading “Economic Support Fund” in this Act,  
3 \$15,000,000 shall be made available for economic develop-  
4 ment programs along the border of Iraq.

5 (k) WEST BANK AND GAZA.—

6 (1) Of the funds appropriated under the head-  
7 ing “Economic Support Fund” in this Act,  
8 \$75,000,000 shall be made available for assistance  
9 for the West Bank and Gaza.

10 (2) The terms and conditions of sections 635,  
11 644, 647, 650, 655, 656, 657 (except subsection  
12 (f)), and the eighth through twelfth provisos under  
13 the heading “Economic Support Fund” of the De-  
14 partment of State, Foreign Operations, and Related  
15 Programs Appropriations Act, 2008 (division J of  
16 Public Law 110–161) shall apply to assistance for  
17 the West Bank and Gaza in this Act.

18 PROHIBITION ON FUNDING FOR ABORTIONS AND

19 INVOLUNTARY STERILIZATION

20 SEC. 717. (a) None of the funds made available to  
21 carry out part I of the Foreign Assistance Act of 1961,  
22 as amended, may be used to pay for: the performance of  
23 abortions as a method of family planning or to motivate  
24 or coerce any person to practice abortions; the perform-  
25 ance of involuntary sterilization as a method of family  
26 planning or to coerce or provide any financial incentive

1 to any person to undergo sterilizations; or any biomedical  
2 research which relates in whole or in part, to methods of,  
3 or the performance of, abortions or involuntary steriliza-  
4 tion as a means of family planning.

5 (b) None of the funds made available to carry out  
6 part I of the Foreign Assistance Act of 1961, as amended,  
7 may be obligated or expended for any country or organiza-  
8 tion if the President certifies to the Committees on Appro-  
9 priations that the use of these funds by any such country  
10 or organization would violate any of the restrictions con-  
11 tained in subsection (a).

12 ALLOCATIONS

13 SEC. 718. (a) Funds provided in this Act for the fol-  
14 lowing accounts shall be made available for programs and  
15 countries in the amounts contained in the respective tables  
16 included in the Committee report accompanying this Act:

17 "Diplomatic and Consular Programs".

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

20 "International Broadcasting Operations".

21 "National Endowment for Democracy".

22 "Global Health and Child Survival".

23 "Development Assistance".

24 "Economic Support Fund".

25 "Democracy Fund".

1           “Assistance for Europe, Eurasia and Central  
2           Asia”.

3           “International Narcotics Control and Law En-  
4           forcement”.

5           “Andean Counterdrug Programs”.

6           “Nonproliferation, Anti-Terrorism, Demining  
7           and Related Programs”.

8           “Millennium Challenge Corporation”.

9           “Foreign Military Financing Program”.

10          “International Organizations and Programs”.

11          (b) Any proposed increases or decreases to the  
12 amounts contained in such tables in the Committee Report  
13 shall be subject to the regular notification procedures of  
14 the Committees on Appropriations and section 634A of  
15 the Foreign Assistance Act of 1961.

16                   SPECIAL NOTIFICATION REQUIREMENTS

17          SEC. 719. None of the funds appropriated under ti-  
18 tles II through VI of this Act shall be obligated or ex-  
19 pended for assistance for Serbia, Sudan, Zimbabwe, Cuba,  
20 Iran, Haiti, Libya, Ethiopia, Mexico, or Cambodia except  
21 as provided through the regular notification procedures of  
22 the Committees on Appropriations.

23                   DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

24          SEC. 720. For the purpose of titles II through VI  
25 of this Act “program, project, and activity” shall be de-  
26 fined at the appropriations Act account level and shall in-



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

17 GLOBAL HEALTH AND CHILD SURVIVAL ACTIVITIES

18 SEC. 721. Up to \$13,500,000 of the funds made  
19 available by this Act in title III for assistance under the  
20 heading “Global Health and Child Survival”, may be used  
21 to reimburse United States Government agencies, agencies  
22 of State governments, institutions of higher learning, and  
23 private and voluntary organizations for the full cost of in-  
24 dividuals (including for the personal services of such indi-  
25 viduals) detailed or assigned to, or contracted by, as the  
26 case may be, the United States Agency for International

1 Development for the purpose of carrying out activities  
2 under that heading: *Provided*, That up to \$3,500,000 of  
3 the funds made available by this Act for assistance under  
4 the heading “Development Assistance” may be used to re-  
5 imburse such agencies, institutions, and organizations for  
6 such costs of such individuals carrying out other develop-  
7 ment assistance activities: *Provided further*, That funds  
8 appropriated by titles III and IV of this Act that are made  
9 available for bilateral assistance for child survival activi-  
10 ties or disease programs including activities relating to re-  
11 search on, and the prevention, treatment and control of,  
12 HIV/AIDS may be made available notwithstanding any  
13 other provision of law except for the provisions under the  
14 heading “Global Health and Child Survival” and the  
15 United States Leadership Against HIV/AIDS, Tuber-  
16 culosis, and Malaria Act of 2003 (117 Stat. 711; 22  
17 U.S.C. 7601 et seq.), as amended: *Provided further*, That  
18 of the funds appropriated under title III of this Act, not  
19 less than \$475,000,000 shall be made available for family  
20 planning/reproductive health.

21 AFGHANISTAN

22 SEC. 722. Of the funds appropriated under titles III  
23 and V of this Act, not less than \$991,950,000 should be  
24 made available for assistance for Afghanistan: *Provided*,  
25 That of the funds allocated for assistance for Afghanistan  
26 from this Act not less than \$100,000,000 shall be made

1 available to support programs that directly address the  
2 needs of Afghan women and girls, including for the Af-  
3 ghan Independent Human Rights Commission, the Afghan  
4 Ministry of Women's Affairs, and for women-led nonprofit  
5 organizations in Afghanistan: *Provided further*, That of  
6 the funds appropriated by this Act that are available for  
7 education programs in Afghanistan, not less than 50 per-  
8 cent shall be made available to support higher education  
9 and vocational training programs in law, business, medi-  
10 cine, engineering, public administration, and other fields  
11 necessary to rebuild the country, in which the participa-  
12 tion of women is emphasized: *Provided further*, That of  
13 the funds appropriated by this Act that are available for  
14 Afghanistan, not less than \$12,000,000 shall be made  
15 available for continued support of the United States Agen-  
16 cy for International Development's Afghan Civilian Assist-  
17 ance Program.

18 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

19 SEC. 723. Prior to providing excess Department of  
20 Defense articles in accordance with section 516(a) of the  
21 Foreign Assistance Act of 1961, the Department of De-  
22 fense shall notify the Committees on Appropriations to the  
23 same extent and under the same conditions as are other  
24 committees pursuant to subsection (f) of that section: *Pro-*  
25 *vided*, That before issuing a letter of offer to sell excess  
26 defense articles under the Arms Export Control Act, the

1 Department of Defense shall notify the Committees on  
2 Appropriations in accordance with the regular notification  
3 procedures of such Committees if such defense articles are  
4 significant military equipment (as defined in section 47(9)  
5 of the Arms Export Control Act) or are valued (in terms  
6 of original acquisition cost) at \$7,000,000 or more, or if  
7 notification is required elsewhere in this Act for the use  
8 of appropriated funds for specific countries that would re-  
9 ceive such excess defense articles: *Provided further*, That  
10 such Committees shall also be informed of the original ac-  
11 quisition cost of such defense articles.

12 GLOBAL FUND MANAGEMENT

13 SEC. 724. (a) Notwithstanding any other provision  
14 of this Act, 10 percent of the funds that are appropriated  
15 by this Act for a contribution to support the Global Fund  
16 to Fight AIDS, Tuberculosis and Malaria (the “Global  
17 Fund”) shall be withheld from obligation to the Global  
18 Fund until the Secretary of State reports to the Commit-  
19 tees on Appropriations that the Global Fund—

20 (1) is releasing incremental disbursements only  
21 if grantees demonstrate progress against clearly de-  
22 fined performance indicators; and

23 (2) is continuing to make progress toward im-  
24 plementing a reporting system that breaks down  
25 grantee budget allocations by programmatic activity.

1 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST  
2 COUNTRIES

3 SEC. 725. (a) Funds appropriated for bilateral assist-  
4 ance under any heading of this Act and funds appro-  
5 priated under any such heading in a provision of law en-  
6 acted prior to the enactment of this Act, shall not be made  
7 available to any country which the President determines—

8 (1) grants sanctuary from prosecution to any  
9 individual or group which has committed an act of  
10 international terrorism; or

11 (2) otherwise supports international terrorism.

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

21 DEBT-FOR-DEVELOPMENT

22 SEC. 726. In order to enhance the continued partici-  
23 pation of nongovernmental organizations in debt-for-devel-  
24 opment and debt-for-nature exchanges, a nongovern-  
25 mental organization which is a grantee or contractor of  
26 the United States Agency for International Development

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

8 SEPARATE ACCOUNTS

9 SEC. 727. (a) SEPARATE ACCOUNTS FOR LOCAL  
10 CURRENCIES.—

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

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

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

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

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

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

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

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

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

20 (ii) debt and deficit financing; or

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

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

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

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

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



1 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

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

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

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

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

8 ENTERPRISE FUNDS

9 SEC. 728. (a) Prior to the distribution of any assets  
10 resulting from any liquidation, dissolution, or winding up  
11 of an Enterprise Fund, in whole or in part, the President  
12 shall submit to the Committees on Appropriations, in ac-  
13 cordance with the regular notification procedures of the  
14 Committees on Appropriations, a plan for the distribution  
15 of the assets of the Enterprise Fund.

16 (b) Funds made available under titles II through VI  
17 of this Act for Enterprise Funds shall be expended at the  
18 minimum rate necessary to make timely payment for  
19 projects and activities.

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

22 SEC. 729. Unless expressly provided to the contrary,  
23 provisions of this or any other Act, including provisions  
24 contained in prior Acts authorizing or making appropria-  
25 tions for foreign operations, export financing, and related  
26 programs, shall not be construed to prohibit activities au-

1 thORIZED by or conducted under the Peace Corps Act, the  
2 Inter-American Foundation Act or the African Develop-  
3 ment Foundation Act. The agency shall promptly report  
4 to the Committees on Appropriations whenever it is con-  
5 ducting activities or is proposing to conduct activities in  
6 a country for which assistance is prohibited.

7 IMPACT ON JOBS IN THE UNITED STATES

8 SEC. 730. None of the funds appropriated under ti-  
9 tles II through VI of this Act may be obligated or ex-  
10 pended to provide—

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

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

1 recipient country and sector, and shall not preclude  
2 assistance for the informal sector in such country,  
3 micro and small-scale enterprise, and smallholder  
4 agriculture.

5 COMPREHENSIVE EXPENDITURES REPORT

6 SEC. 731. Not later than 180 days after the date of  
7 enactment of this Act, the Secretary of State shall submit  
8 a report to the Committees on Appropriations detailing  
9 the total amount of United States Government expendi-  
10 tures in fiscal year 2008, by Federal agency, for programs  
11 and activities in each foreign country, identifying the line  
12 item as presented in the President's Budget Appendix and  
13 the purpose for which the funds were provided: *Provided*,  
14 That if required, information may be submitted in classi-  
15 fied form.

16 SPECIAL AUTHORITIES

17 SEC. 732. (a) AFGHANISTAN, SUDAN, IRAQ, PAKI-  
18 STAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DIS-  
19 PLACED CHILDREN, AND DISPLACED BURMESE.—Funds  
20 appropriated under titles II through VI of this Act that  
21 are made available for assistance for Afghanistan may be  
22 made available notwithstanding section 711 of this Act or  
23 any similar provision of law and section 660 of the For-  
24 eign Assistance Act of 1961, and funds appropriated in  
25 titles III and VI of this Act that are made available for  
26 Sudan, Iraq, Lebanon, Montenegro, Pakistan, and for vic-

1 tims of war, displaced children, and displaced Burmese,  
2 and to assist victims of trafficking in persons and, subject  
3 to the regular notification procedures of the Committees  
4 on Appropriations, to combat such trafficking, may be  
5 made available notwithstanding any other provision of law.

6 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-  
7 SERVATION ACTIVITIES.—Funds appropriated by this Act  
8 to carry out the provisions of sections 103 through 106,  
9 and chapter 4 of part II, of the Foreign Assistance Act  
10 of 1961 may be used, notwithstanding any other provision  
11 of law, for the purpose of supporting tropical forest and  
12 biodiversity conservation activities and renewable energy  
13 and energy end-use efficiency programs to reduce carbon  
14 emissions: *Provided*, That such assistance shall be subject  
15 to the regular notification procedures of the Committees  
16 on Appropriations.

17 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-  
18 propriated by this Act to carry out chapter 1 of part I,  
19 chapter 4 of part II, and section 667 of the Foreign As-  
20 sistance Act of 1961, and title II of the Agricultural Trade  
21 Development and Assistance Act of 1954, may be used  
22 by the United States Agency for International Develop-  
23 ment to employ up to 25 personal services contractors in  
24 the United States, notwithstanding any other provision of  
25 law, for the purpose of providing direct, interim support

1 for new or expanded overseas programs and activities  
2 managed by the agency until permanent direct hire per-  
3 sonnel 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 such funds appro-  
6 priated to carry out title II of the Agricultural Trade De-  
7 velopment and Assistance Act of 1954, may be made avail-  
8 able only for personal services contractors assigned to the  
9 Office of Food for Peace.

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

16 (2) PERIOD OF APPLICATION OF WAIVER.—Any waiv-  
17 er pursuant to paragraph (1) shall be effective for no more  
18 than a period of 6 months at a time and shall not apply  
19 beyond 12 months after the enactment of this Act.

20 (e) SMALL BUSINESS.—In entering into multiple  
21 award indefinite-quantity contracts with funds appro-  
22 priated by this Act, the United States Agency for Inter-  
23 national Development may provide an exception to the fair  
24 opportunity process for placing task orders under such

1 contracts when the order is placed with any category of  
2 small or small disadvantaged business.

3 (f) VIETNAMESE REFUGEES.—Section 594(a) of the  
4 Foreign Operations, Export Financing, and Related Pro-  
5 grams Appropriations Act, 2005 (enacted as division D  
6 of Public Law 108–447; 118 Stat. 3038) is amended by  
7 striking “2009” and inserting “2010”.

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

16 (h) MILLENNIUM CHALLENGE CORPORATION.—The  
17 Millennium Challenge Corporation Act of 2003 (22 U.S.C.  
18 7701 et seq.) is amended in section 615 (22 U.S.C. 7714)  
19 by inserting the following new subsection at the end;

20 “(c) REIMBURSEMENT.—The Corporation shall reim-  
21 burse the United States Agency for International Develop-  
22 ment for all expenses incurred by the Agency in assisting  
23 the Corporation in carrying out this title, including admin-  
24 istrative costs for compact development, negotiation, and  
25 implementation.”.

1 (i) AUTHORITY.—Funds appropriated or otherwise  
2 made available by title III of the Department of State,  
3 Foreign Operations, and Related Programs Appropria-  
4 tions Act, 2008 (division J of Public Law 110–161) under  
5 the heading “Economic Support Fund” that are available  
6 for a competitively awarded grant for nuclear security ini-  
7 tiatives relating to North Korea shall be made available  
8 notwithstanding any other provision of law.

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

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

13 (A) in subsection (b)(3), by striking “and  
14 2008” and inserting “2008, and 2009”; and

15 (B) in subsection (e), by striking “2008”  
16 each place it appears and inserting “2009”; and

17 (2) in section 599E (8 U.S.C. 1255 note) in  
18 subsection (b)(2), by striking “2008” and inserting  
19 “2009”.

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



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

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

20 (m) NONGOVERNMENTAL ORGANIZATIONS.—With  
21 respect to the provision of assistance for democracy,  
22 human rights and governance activities, the organizations  
23 implementing such assistance and the specific nature of  
24 that assistance shall not be subject to the prior approval  
25 by the government of any foreign country.

1 (n) BROADCASTING BOARD OF GOVERNORS AUTHOR-  
2 ITY.—Section 504(c) of the Foreign Relations Authoriza-  
3 tion Act, Fiscal Year 2003 (Public Law 107–228; 22  
4 U.S.C. 6206 note) is amended by striking “December 31,  
5 2008” and inserting “December 31, 2009”.

6 (o) SECTION 907.—Section 907 of the FREEDOM  
7 Support Act (Public Law 102–511) is amended by insert-  
8 ing “(a)” at the beginning of the section and inserting  
9 after “Nagorno-Karabakh.” the following new subsection:

10 “(b)(1) Subsection (a) shall not apply to—

11 “(A) activities to support democracy or assist-  
12 ance under title V of this Act and section 1424 of  
13 Public Law 104–201 or non-proliferation assistance;

14 “(B) any assistance provided by the Trade and  
15 Development Agency under section 661 of the For-  
16 eign Assistance Act of 1961 (22 U.S.C. 2421);

17 “(C) any activity carried out by a member of  
18 the United States and Foreign Commercial Service  
19 while acting within his or her official capacity;

20 “(D) any insurance, reinsurance, guarantee or  
21 other assistance provided by the Overseas Private  
22 Investment Corporation under title IV of chapter 2  
23 of part I of the Foreign Assistance Act of 1961 (22  
24 U.S.C. 2191 et seq.);

1           “(E) any financing provided under the Export-  
2           Import Bank Act of 1945; or

3           “(F) humanitarian assistance.

4           “(2) The President may waive subsection (a) on an  
5           annual basis if he determines and certifies to the Commit-  
6           tees on Appropriations that to do so—

7           “(A) is necessary to support United States ef-  
8           forts to counter international terrorism; or

9           “(B) is necessary to support the operational  
10          readiness of United States Armed Forces or coaliti-  
11          on partners to counter international terrorism; or

12          “(C) is important to Azerbaijan’s border secu-  
13          rity; and

14          “(D) will not undermine or hamper ongoing ef-  
15          forts to negotiate a peaceful settlement between Ar-  
16          menia and Azerbaijan or be used for offensive pur-  
17          poses against Armenia.”.

18          (p) RESTRICTIONS ON ASSISTANCE.—

19                 (1) The terms and requirements of section  
20                 620(h) of the Foreign Assistance Act of 1961 shall  
21                 apply to foreign assistance projects or activities of  
22                 the People’s Liberation Army (PLA) of the People’s  
23                 Republic of China, to include such projects or activi-  
24                 ties by any entity that is owned or controlled by, or  
25                 an affiliate of, the PLA.



1 tion or involuntary sterilizations contained in this or any  
2 other Act.

3 (b) PUBLIC LAW 480.—During fiscal year 2009, re-  
4 strictions contained in this or any other Act with respect  
5 to assistance for a country shall not be construed to re-  
6 strict assistance under the Agricultural Trade Develop-  
7 ment and Assistance Act of 1954: *Provided*, That none  
8 of the funds appropriated to carry out title I of such Act  
9 and made available pursuant to this subsection may be  
10 obligated or expended except as provided through the reg-  
11 ular notification procedures of the Committees on Appro-  
12 priations.

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

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

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

23 RESERVATIONS OF FUNDS

24 SEC. 734. (a) Funds appropriated under titles II  
25 through VI of this Act which are specifically designated  
26 may be reprogrammed for other programs within the same

1 account notwithstanding the designation if compliance  
2 with the designation is made impossible by operation of  
3 any provision of this or any other Act: *Provided*, That any  
4 such reprogramming shall be subject to the regular notifi-  
5 cation procedures of the Committees on Appropriations:  
6 *Provided further*, That assistance that is reprogrammed  
7 pursuant to this subsection shall be made available under  
8 the same terms and conditions as originally provided.

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

24 (c) Ceilings and specifically designated funding levels  
25 contained in this Act shall not be applicable to funds or

1 authorities appropriated or otherwise made available by  
2 any subsequent Act unless such Act specifically so directs.  
3 Specifically designated funding levels or minimum funding  
4 requirements contained in any other Act shall not be appli-  
5 cable to funds appropriated by this Act.

6 ASIA

7 SEC. 735. (a) BURMA.—

8 (1) The Secretary of the Treasury shall instruct  
9 the United States executive director to each inter-  
10 national financial institution in which the United  
11 States participates, to oppose and vote against the  
12 extension by such institution any loan or financial or  
13 technical assistance or any other utilization of funds  
14 to and for Burma.

15 (2) Of the funds appropriated by this Act under  
16 the heading “Economic Support Fund”, not less  
17 than \$20,000,000 shall be made available to support  
18 democracy activities in Burma, along the Burma-  
19 Thailand border, for activities of Burmese student  
20 groups and other organizations located outside  
21 Burma, and for the purpose of supporting the provi-  
22 sion of humanitarian assistance to displaced Bur-  
23 mese along Burma’s borders: *Provided*, That such  
24 funds may be made available notwithstanding any  
25 other provision of law: *Provided further*, That in ad-  
26 dition to assistance for Burmese refugees provided

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

10 (b) CAMBODIA.—

11 (1) Of the funds appropriated under the head-  
12 ing “Economic Support Fund” in this Act,  
13 \$20,000,000 shall be made available for assistance  
14 for Cambodia, of which a portion may be used for  
15 an endowment, and of which not less than  
16 \$2,000,000 shall be made available through non-  
17 governmental organizations for programs to  
18 strengthen the capacity of the Government of Cam-  
19 bodia to combat human trafficking, notwithstanding  
20 any other provision of law.

21 (2) Section 495H of chapter 9 of the Foreign  
22 Assistance Act of 1961, as amended, is hereby re-  
23 pealed.

24 (c) EAST ASIA AND PACIFIC ENVIRONMENTAL INI-  
25 TIATIVES.—Of the funds appropriated under the heading



1 “Economic Support Fund” in this Act, \$2,500,000 shall  
2 be made available for East Asia and Pacific Environ-  
3 mental Initiatives.

4 (d) INDONESIA.—

5 (1) Of the funds appropriated under the head-  
6 ing “Foreign Military Financing Program” in this  
7 Act, up to \$15,700,000 shall be made available for  
8 assistance for Indonesia, of which not less than  
9 \$2,700,000 shall be used for programs and activities  
10 that directly increase transparency and account-  
11 ability within the Indonesian armed forces’ oper-  
12 ations and financial management.

13 (2) Of the funds appropriated under the head-  
14 ing “Economic Support Fund” in this Act that are  
15 available for assistance for Indonesia, \$250,000  
16 should be made available for grants for capacity  
17 building of Indonesian human rights organizations,  
18 including in Papua.

19 (3) Not later than 90 days after enactment of  
20 this Act, the Secretary of State shall report in writ-  
21 ing to the Committees on Appropriations detailing  
22 actions taken by the Government of Indonesia to—

23 (A) prosecute and punish, in a manner  
24 proportional to the crime, current and former  
25 members of the armed forces who have been

1           credibly alleged to have violated human rights,  
2           and to require the armed forces to cooperate  
3           with civilian judicial authorities and with inter-  
4           national efforts to resolve cases of violations of  
5           human rights;

6                   (B) implement reforms to increase the  
7           transparency and accountability of the armed  
8           forces' operations and financial management;

9                   (C) allow public access to Papua; and

10                   (D) complete the investigation of the mur-  
11           der of Munir Said Thalib.

12           (e) NORTH KOREA.—Funds made available under the  
13           heading “Migration and Refugee Assistance” in this Act  
14           shall be made available for assistance for refugees from  
15           North Korea.

16           (f) PEOPLE'S REPUBLIC OF CHINA.—

17                   (1) Notwithstanding any other provision of law  
18           and subject to the regular notification procedures of  
19           the Committees on Appropriations, of the funds ap-  
20           propriated under the heading “Development Assist-  
21           ance” in this Act, not less than \$15,000,000 shall  
22           be made available to United States educational insti-  
23           tutions and nongovernmental organizations for pro-  
24           grams and activities in the People's Republic of

1 China relating to the environment, governance and  
2 the rule of law.

3 (2) Not later than 180 days after enactment of  
4 this Act, the Secretary of State shall submit a report  
5 to the Committees on Appropriations detailing, to  
6 the extent practicable, the amount of assistance pro-  
7 vided by the People's Republic of China to govern-  
8 ments and entities in Latin America and Africa dur-  
9 ing previous calendar year. This report shall be  
10 made publicly available in a timely manner on the  
11 website of the Department of State and the United  
12 States Agency for International Development in  
13 English and Mandarin.

14 (g) TIBET.—

15 (1) The Secretary of the Treasury should in-  
16 struct the United States executive director to each  
17 international financial institution to use the voice  
18 and vote of the United States to support projects in  
19 Tibet if such projects do not provide incentives for  
20 the migration and settlement of non-Tibetans into  
21 Tibet or facilitate the transfer of ownership of Ti-  
22 betan land and natural resources to non-Tibetans;  
23 are based on a thorough needs-assessment; foster  
24 self-sufficiency of the Tibetan people and respect Ti-

1       betan culture and traditions; and are subject to ef-  
2       fective monitoring.

3               (2) Notwithstanding any other provision of law,  
4       not less than \$6,000,000 of the funds appropriated  
5       by this Act under the heading “Economic Support  
6       Fund” should be made available to nongovernmental  
7       organizations to support activities which preserve  
8       cultural traditions and promote sustainable develop-  
9       ment and environmental conservation in Tibetan  
10      communities in the Tibetan Autonomous Region and  
11      in other Tibetan communities in China: *Provided,*  
12      That the Office of the Special Coordinator for Ti-  
13      betan Issues, Department of State, in consultation  
14      with the United States Agency for International De-  
15      velopment, shall have responsibility for the use of  
16      such funds.

17      (h) VIETNAM.—Notwithstanding any other provision  
18      of law, funds appropriated under the heading “Economic  
19      Support Fund” in this Act may be made available for pro-  
20      grams and activities in the central highlands of Vietnam,  
21      and not less than \$3,000,000 shall be made available for  
22      environmental remediation and related health activities in  
23      Vietnam.

24               PROHIBITION ON PUBLICITY OR PROPAGANDA

25      SEC. 736. No part of any appropriation contained in  
26      this Act shall be used for publicity or propaganda purposes

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

6 PROHIBITION OF PAYMENTS TO UNITED NATIONS

7 MEMBERS

8 SEC. 737. None of the funds appropriated or made  
9 available pursuant to titles II through VI of this Act for  
10 carrying out the Foreign Assistance Act of 1961, may be  
11 used to pay in whole or in part any assessments, arrear-  
12 ages, or dues of any member of the United Nations or,  
13 from funds appropriated by this Act to carry out chapter  
14 1 of part I of the Foreign Assistance Act of 1961, the  
15 costs for participation of another country's delegation at  
16 international conferences held under the auspices of multi-  
17 lateral or international organizations.

18 REQUESTS FOR DOCUMENTS

19 SEC. 738. None of the funds appropriated or made  
20 available pursuant to titles II through VI of this Act shall  
21 be available to any government or nongovernmental orga-  
22 nization, including any contractor, which fails to provide  
23 upon timely request any document, file, or record nec-  
24 essary to the auditing requirements of the United States  
25 Agency for International Development.

## RESTRICTION ON EXPORTS

1  
2       SEC. 739. (a) None of the funds appropriated or oth-  
3 erwise made available by titles II through VI of this Act  
4 may be available to any foreign government which provides  
5 lethal military equipment to a country the government of  
6 which the Secretary of State has determined is a govern-  
7 ment that supports international terrorism for purposes  
8 of section 6(j) of the Export Administration Act of 1979.  
9 The prohibition under this section with respect to a for-  
10 eign government shall terminate 12 months after that gov-  
11 ernment ceases to provide such military equipment. This  
12 section applies with respect to lethal military equipment  
13 provided under a contract entered into after October 1,  
14 1997.

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

19       (c) Whenever the President makes a determination  
20 pursuant to subsection (b), the President shall submit to  
21 the appropriate congressional committees a report with re-  
22 spect to the furnishing of such assistance. Any such report  
23 shall include a detailed explanation of the assistance to  
24 be provided, including the estimated dollar amount of such

1 assistance, and an explanation of how the assistance fur-  
2 thers United States national interests.

3 PARKING FINES AND REAL PROPERTY TAXES OWED BY  
4 FOREIGN GOVERNMENTS

5 SEC. 740. (a) Subject to subsection (c), of the funds  
6 appropriated under titles II through VI by this Act that  
7 are made available for assistance for a foreign country,  
8 an amount equal to 110 percent of the total amount of  
9 the unpaid fully adjudicated parking fines and penalties  
10 and unpaid property taxes owed by the central government  
11 of such country shall be withheld from obligation for as-  
12 sistance for the central government of such country until  
13 the Secretary of State submits a certification to the Com-  
14 mittees on Appropriations stating that such parking fines  
15 and penalties and unpaid property taxes are fully paid.

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

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

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

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

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

20           (f) In this section:

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

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



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

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

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

8 (A) owed to—

9 (i) the District of Columbia; or

10 (ii) New York, New York; and

11 (B) incurred during the period April 1,  
12 1997, through September 30, 2007.

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

20 WAR CRIMES TRIBUNALS DRAWDOWN

21 SEC. 741. If the President determines that doing so  
22 will contribute to a just resolution of charges regarding  
23 genocide or other violations of international humanitarian  
24 law, the President may direct a drawdown pursuant to sec-  
25 tion 552(c) of the Foreign Assistance Act of 1961 of up  
26 to \$30,000,000 of commodities and services for the United

1 Nations War Crimes Tribunal established with regard to  
2 the former Yugoslavia by the United Nations Security  
3 Council or such other tribunals or commissions as the  
4 Council may establish or authorize to deal with such viola-  
5 tions, without regard to the ceiling limitation contained  
6 in paragraph (2) thereof: *Provided*, That the determina-  
7 tion required under this section shall be in lieu of any de-  
8 terminations otherwise required under section 552(c): *Pro-*  
9 *vided further*, That funds made available for tribunals  
10 other than the International Criminal Tribunal for the  
11 former Yugoslavia, the International Criminal Tribunal  
12 for Rwanda, or the Special Court for Sierra Leone shall  
13 be made available subject to the regular notification proce-  
14 dures of the Committees on Appropriations.

15 LANDMINES AND CLUSTER MUNITIONS

16 SEC. 742. (a) LANDMINES.—Notwithstanding any  
17 other provision of law, demining equipment available to  
18 the United States Agency for International Development  
19 and the Department of State and used in support of the  
20 clearance of landmines and unexploded ordnance for hu-  
21 manitarian purposes may be disposed of on a grant basis  
22 in foreign countries, subject to such terms and conditions  
23 as the President may prescribe.

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

1 munitions or cluster munitions technology shall be sold or  
2 transferred, unless—

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

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

11          PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

12          SEC. 743. None of the funds appropriated or other-  
13          wise made available under titles III or IV of this Act under  
14          the headings “International Military Education and  
15          Training” or “Foreign Military Financing Program” for  
16          Informational Program activities or under the headings  
17          “Global Health and Child Survival”, “Development Assist-  
18          ance”, and “Economic Support Fund” may be obligated  
19          or expended to pay for—

20                 (1) alcoholic beverages; or

21                 (2) entertainment expenses for activities that  
22                 are substantially of a recreational character, includ-  
23                 ing but not limited to entrance fees at sporting  
24                 events, theatrical and musical productions, and  
25                 amusement parks.

## ANTI-KLEPTOCRACY

1

2       SEC. 744. (a) In furtherance of the National Strategy  
3 to Internationalize Efforts Against Kleptocracy and Presi-  
4 dential Proclamation 7750, the Secretary of State shall  
5 compile and maintain a list of officials of foreign govern-  
6 ments and their immediate family members who the Sec-  
7 retary has credible evidence have been involved in corrup-  
8 tion relating to the extraction of natural resources in their  
9 countries.

10       (b) Any individual on the list compiled under sub-  
11 section (a) shall be ineligible for admission to the United  
12 States.

13       (c) No property or interest in property belonging to  
14 an individual on the list compiled under subsection (a),  
15 or to a member of the immediate family of such individual  
16 if the property is effectively under the control of such indi-  
17 vidual, may be transferred, paid, exported, withdrawn, or  
18 otherwise dealt with, if the property is within the United  
19 States or within the possession or control of a United  
20 States person, including the overseas branch of such per-  
21 son, or after the date of the enactment of this Act comes  
22 within the control of such person.

23       (d) The Secretary may waive the application of sub-  
24 section (a) if the Secretary determines that admission to  
25 the United States is necessary to attend the United Na-

1 tions or to further United States law enforcement objec-  
2 tives, or that the circumstances which caused the indi-  
3 vidual to be included on the list have changed sufficiently  
4 to justify the removal of the individual from the list.

5 (e) Not later than 90 days after enactment of this  
6 Act and 180 days thereafter, the Secretary of State shall  
7 report in writing, in classified form if necessary, to the  
8 Committees on Appropriations describing the evidence of  
9 corruption in subsection (a).

10 FOREIGN MILITARY TRAINING REPORT

11 SEC. 745. The annual foreign military training report  
12 required by section 656 of the Foreign Assistance Act of  
13 1961 shall be submitted by the Secretary of Defense and  
14 the Secretary of State to the Committees on Appropria-  
15 tions by the date specified in that section.

16 AUTHORIZATION REQUIREMENT

17 SEC. 746. Funds appropriated by this Act, except  
18 funds appropriated under the headings “Trade and Devel-  
19 opment Agency” and “Overseas Private Investment Cor-  
20 poration”, may be obligated and expended notwith-  
21 standing section 10 of Public Law 91–672 and section 15  
22 of the State Department Basic Authorities Act of 1956.

23 LIBYA

24 SEC. 747. (a) None of the funds appropriated or oth-  
25 erwise made available by this Act shall be obligated or ex-

1 pending to finance directly any assistance for the Govern-  
2 ment of Libya.

3 (b) The prohibition of subsection (a) shall not apply  
4 if the Secretary of State certifies to the Committees on  
5 Appropriations that the Government of Libya has made  
6 the final settlement payments to the Pan Am 103 victims'  
7 families, paid to the LaBelle Disco bombing victims the  
8 agreed upon settlement amounts, and is engaging in good  
9 faith settlement discussions regarding other relevant ter-  
10 rorism cases.

11 (c) Not later than 180 days after enactment of this  
12 Act, the Secretary shall submit a report to the Committees  
13 on Appropriations describing (1) actions taken by the De-  
14 partment of State to facilitate a resolution of these cases;  
15 and (2) United States commercial activities in Libya's en-  
16 ergy sector.

17 WAR CRIMINALS

18 SEC. 748. (a)(1) None of the funds appropriated or  
19 otherwise made available under titles II through VI of this  
20 Act may be made available for assistance, and the Sec-  
21 retary of the Treasury shall instruct the United States Ex-  
22 ecutive Director at each international financial institution  
23 to vote against any new project involving the extension by  
24 such institutions of any financial or technical assistance,  
25 to any country, entity, or municipality whose competent  
26 authorities have failed, as determined by the Secretary of

1 State, to take necessary and significant steps to imple-  
2 ment its international legal obligations to apprehend and  
3 transfer to the International Criminal Tribunal for the  
4 former Yugoslavia (the “Tribunal”) all persons in their  
5 territory who have been indicted by the Tribunal and to  
6 otherwise cooperate with the Tribunal.

7 (2) The provisions of this subsection shall not apply  
8 to humanitarian assistance or assistance for democratiza-  
9 tion.

10 (b) The provisions of subsection (a) shall apply unless  
11 the Secretary of State determines and reports to the ap-  
12 propriate congressional committees that the competent au-  
13 thorities of such country, entity, or municipality are—

14 (1) cooperating with the Tribunal, including ac-  
15 cess for investigators to archives and witnesses, the  
16 provision of documents, and the surrender and  
17 transfer of indictees or assistance in their apprehen-  
18 sion; and

19 (2) are acting consistently with the Dayton Ac-  
20 cords.

21 (c) Not less than 10 days before any vote in an inter-  
22 national financial institution regarding the extension of  
23 any new project involving financial or technical assistance  
24 or grants to any country or entity described in subsection  
25 (a), the Secretary of the Treasury, in consultation with

1 the Secretary of State, shall provide to the Committees  
2 on Appropriations a written justification for the proposed  
3 assistance, including an explanation of the United States  
4 position regarding any such vote, as well as a description  
5 of the location of the proposed assistance by municipality,  
6 its purpose, and its intended beneficiaries.

7 (d) In carrying out this section, the Secretary of  
8 State, the Administrator of the United States Agency for  
9 International Development, and the Secretary of the  
10 Treasury shall consult with representatives of human  
11 rights organizations and all Government agencies with rel-  
12 evant information to help prevent indicted war criminals  
13 from benefiting from any financial or technical assistance  
14 or grants provided to any country or entity described in  
15 subsection (a).

16 (e) The Secretary of State may waive the application  
17 of subsection (a) with respect to projects within a country,  
18 entity, or municipality upon a written determination to the  
19 Committees on Appropriations that such assistance di-  
20 rectly supports the implementation of the Dayton Accords.

21 (f) DEFINITIONS.—As used in this section:

22 (1) COUNTRY.—The term “country” means  
23 Bosnia and Herzegovina, Croatia and Serbia.





1 Survival” in this Act, \$45,000,000 of the funds appro-  
2 priated under the heading “International Organizations  
3 and Programs” shall be made available to the United Na-  
4 tions Population Fund (UNFPA) only for the following  
5 purposes—

6           (1) provide and distribute equipment, medicine,  
7           and supplies, including safe delivery kits and hygiene  
8           kits, to ensure safe childbirth and emergency obstet-  
9           ric care;

10           (2) make available supplies of contraceptives for  
11           the prevention of unintended pregnancies and the  
12           spread of sexually transmitted infections, including  
13           HIV/AIDS;

14           (3) prevent and treat cases of obstetric fistula;

15           (4) reestablish maternal health services in areas  
16           where medical infrastructure and such services have  
17           been destroyed or limited by natural disasters,  
18           armed conflict, or other factors;

19           (5) promote the abandonment of harmful tradi-  
20           tional practices, including female genital mutilation  
21           and cutting and child marriage; and

22           (6) promote access of unaccompanied women  
23           and children to vital services, including water, sani-  
24           tation facilities, food and health care.

25           (b) PROHIBITION ON USE OF FUNDS IN CHINA.—

1           (1) None of the funds appropriated by this Act  
2           may be used by UNFPA for a country program in  
3           the People's Republic of China.

4           (2) If UNFPA plans to expend funds for a  
5           country program in the People's Republic of China  
6           in fiscal year 2009, such amount shall be deducted  
7           from the funds made available to UNFPA.

8           COMMUNITY-BASED POLICE ASSISTANCE

9           SEC. 751. (a) AUTHORITY.—Funds made available  
10          by title IV of this Act to carry out the provisions of chap-  
11          ter 1 of part I and chapters 4 and 6 of part II of the  
12          Foreign Assistance Act of 1961, may be used, notwith-  
13          standing section 660 of that Act, to enhance the effective-  
14          ness and accountability of civilian police authority through  
15          training and technical assistance in human rights, the rule  
16          of law, anti-corruption, strategic planning, and through  
17          assistance to foster civilian police roles that support demo-  
18          cratic governance including assistance for programs to  
19          prevent conflict, respond to disasters, address gender-  
20          based violence, and foster improved police relations with  
21          the communities they serve.

22          (b) NOTIFICATION.—Assistance provided under sub-  
23          section (a) shall be subject to prior consultation with, and  
24          the regular notification procedures of, the Committees on  
25          Appropriations.

## 1 SPECIAL DEBT RELIEF FOR THE POOREST

2 SEC. 752. (a) AUTHORITY TO REDUCE DEBT.—The  
3 President may reduce amounts owed to the United States  
4 (or any agency of the United States) by an eligible country  
5 as a result of—

6 (1) guarantees issued under sections 221 and  
7 222 of the Foreign Assistance Act of 1961;

8 (2) credits extended or guarantees issued under  
9 the Arms Export Control Act; or

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

20 (b) LIMITATIONS.—

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

1           (2) The authority provided by subsection (a)  
2           may be exercised only in such amounts or to such  
3           extent as is provided in advance by appropriations  
4           Acts.

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

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

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

17               (2) has not repeatedly provided support for acts  
18               of international terrorism;

19               (3) is not failing to cooperate on international  
20               narcotics control matters;

21               (4) (including its military or other security  
22               forces) does not engage in a consistent pattern of  
23               gross violations of internationally recognized human  
24               rights; and

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

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

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

16        AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

17        SEC. 753. (a) LOANS ELIGIBLE FOR SALE, REDUC-  
18        TION, OR CANCELLATION.—

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

1 on receipt of payment from an eligible purchaser, re-  
2 duce or cancel such loan or portion thereof, only for  
3 the purpose of facilitating—

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

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

22 (2) TERMS AND CONDITIONS.—Notwithstanding  
23 any other provision of law, the President shall, in ac-  
24 cordance with this section, establish the terms and

1 conditions under which loans may be sold, reduced,  
2 or canceled pursuant to this section.

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

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

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

23 (c) ELIGIBLE PURCHASERS.—A loan may be sold  
24 pursuant to subsection (a)(1)(A) only to a purchaser who  
25 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 RECONCILIATION PROGRAMS

15 SEC. 754. Of the funds appropriated under the head-  
16 ing “Economic Support Fund” in this Act, \$25,000,000  
17 shall be made available for reconciliation programs which  
18 bring together individuals of different ethnic, religious and  
19 political backgrounds from areas of civil conflict and war,  
20 of which not more than \$7,000,000 shall be made avail-  
21 able for such programs in the Middle East: *Provided*, That  
22 the Administrator of the United States Agency for Inter-  
23 national Development shall consult with the Committees  
24 on Appropriations, prior to the initial obligation of funds,  
25 on the most effective uses of such funds.

## AFRICA

## SEC. 755. (a) ETHIOPIA.—

(1) Of the funds appropriated under the heading “Foreign Military Financing Program” in this Act, not more than \$1,000,000 may be made available for assistance for Ethiopia.

(2) Not later than 90 days after enactment of this Act, the Secretary of State shall report in writing to the Committees on Appropriations detailing actions taken by the Government of Ethiopia to investigate and prosecute members of Ethiopian military forces who have been credibly alleged to have violated human rights.

## (b) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

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

(2) None of the funds appropriated under the heading “International Military Education and

1       Training” in this Act may be made available for as-  
2       sistance for Equatorial Guinea.

3       (c) HORN OF AFRICA AND PAN SAHEL.—Of the  
4 funds appropriated under the heading “Economic Support  
5 Fund” in this Act, \$15,000,000 shall be made available  
6 for programs and activities to counter extremism in the  
7 Horn of Africa and the Pan Sahel region of Africa, to  
8 be administered by the United States Agency for Inter-  
9 national Development: *Provided*, That such funds are in  
10 addition to funds otherwise made available for such pur-  
11 poses.

12       (d) KENYA.—Of the funds appropriated under the  
13 heading “Foreign Military Financing Program” in this  
14 Act, \$2,000,000 may be made available for assistance for  
15 Kenya.

16       (e) KIMBERLEY PROCESS.—Of the funds appro-  
17 priated under the heading “Economic Support Fund” in  
18 this Act, not less than \$3,000,000 shall be made available  
19 to support implementation of the Kimberley Process Cer-  
20 tification Scheme with an emphasis on regional efforts to  
21 combat cross-border smuggling and monitoring by civil so-  
22 ciety groups.

23       (f) NAMIBIA.—Of the funds appropriated under the  
24 heading “Economic Support Fund” in this Act, not less

1 than \$2,000,000 shall be made available for democracy  
2 and governance programs for Namibia.

3 (g) SIERRA LEONE.—Of the funds appropriated  
4 under the heading “Economic Support Fund” in this Act,  
5 \$9,000,000 shall be made available for a United States  
6 contribution to the Special Court for Sierra Leone.

7 (h) SUDAN.—

8 (1) The terms and conditions of section 666  
9 (excluding subsection (f)) of the Department of  
10 State, Foreign Operations, and Related Programs  
11 Appropriations Act, 2008 (division J of Public Law  
12 110–161) shall apply to assistance for Sudan in this  
13 Act.

14 (2) None of the funds appropriated under the  
15 heading “Foreign Military Financing Program” in  
16 this Act may be made available for assistance for  
17 Sudan, except in accordance with paragraph (1) of  
18 this subsection.

19 (i) ZIMBABWE.—

20 (1) The Secretary of the Treasury shall instruct  
21 the United States executive director to each inter-  
22 national financial institution to vote against any ex-  
23 tension by the respective institution of any loans to  
24 the Government of Zimbabwe, except to meet basic  
25 human needs or to promote democracy, unless the

1 Secretary of State reports in writing to the Commit-  
2 tees on Appropriations that the rule of law has been  
3 restored in Zimbabwe, including respect for owner-  
4 ship and title to property, freedom of speech and as-  
5 sociation, and free and fair elections have been held  
6 and the results honored.

7 (2) Funds appropriated under the heading  
8 “Global Health and Child Survival” in this Act  
9 should be made available for assistance for  
10 Zimbabwe if a political transition in Zimbabwe oc-  
11 curs that the Secretary of State determines is in the  
12 interests and welfare of the people of Zimbabwe.

13 (3) Of the funds appropriated under the head-  
14 ing “Millennium Challenge Corporation” in this Act  
15 and prior acts making appropriations for foreign op-  
16 erations, export financing, and related programs, up  
17 to \$50,000,000 may be made available for assistance  
18 for Zimbabwe if a political transition occurs that the  
19 Secretary of State determines is in the interests and  
20 welfare of the people of Zimbabwe, subject to the  
21 regular notification procedures of the Committees on  
22 Appropriations.

23 TRANSPARENCY AND ACCOUNTABILITY

24 SEC. 756. (a) UNITED NATIONS DEVELOPMENT  
25 PROGRAM.—Ten percent of the funds appropriated by this  
26 Act under the heading “International Organizations and

1 Programs” for a United States contribution to the United  
2 Nations Development Program (UNDP) shall be withheld  
3 from disbursement until the Secretary of State reports to  
4 the Committees on Appropriations that UNDP is—

5 (1) giving adequate access to information to the  
6 Department of State regarding UNDP’s programs  
7 and activities as requested;

8 (2) conducting oversight of UNDP programs  
9 and activities globally; and

10 (3) implementing a whistleblower protection  
11 policy equivalent to that recommended by the United  
12 Nations Secretary General on December 3, 2008.

13 (b) WORLD BANK.—Ten percent of the funds appro-  
14 priated by this Act under the heading “International De-  
15 velopment Association” shall be withheld from disburse-  
16 ment until the Secretary of the Treasury reports to the  
17 Committees on Appropriations that—

18 (1) the World Bank has made publicly avail-  
19 able, in an appropriate manner, financial disclosure  
20 forms of World Bank personnel who earned a rate  
21 of pay equal to or in excess of \$111,676 for a period  
22 equal to or in excess of 60 days;

23 (2) the World Bank has established a plan and  
24 maintains a schedule for conducting regular, inde-  
25 pendent audits of internal management controls and

1 procedures for meeting operational objectives, and is  
2 making reports describing the scope and findings of  
3 such audits available to the public; and

4 (3) the World Bank is adequately staffing and  
5 sufficiently funding the Department of Institutional  
6 Integrity.

7 (c) NATIONAL BUDGET TRANSPARENCY.—

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

13 (2) The Secretary of State may waive require-  
14 ments of paragraph (1) on a country-by-country  
15 basis if the Secretary reports to the Committees on  
16 Appropriations that to do so is important to the na-  
17 tional interest of the United States.

18 EXCESS DEFENSE ARTICLES

19 SEC. 757. Notwithstanding section 516(e) of the For-  
20 eign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during  
21 fiscal year 2009, funds available to the Department of De-  
22 fense may be expended for crating, packing, handling, and  
23 transportation of excess defense articles transferred under  
24 the authority of section 516 of such Act to Albania, Af-  
25 ghanistan, Bulgaria, Croatia, Estonia, Macedonia, Geor-  
26 gia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lith-

1 uania, Moldova, Mongolia, Pakistan, Romania, Slovakia,  
2 Tajikistan, Turkmenistan, and Ukraine.

3 WESTERN HEMISPHERE

4 SEC. 758. (a) COLOMBIA.—

5 (1) FUNDING AMOUNT.—Of the funds appro-  
6 priated under titles III and IV of this Act, not more  
7 than \$542,500,000 shall be available for assistance  
8 for Colombia.

9 (2) ASSISTANCE FOR THE COLOMBIAN ARMED  
10 FORCES.—Funds appropriated by this Act that are  
11 available for assistance for the Colombian Armed  
12 Forces, may be made available as follows:

13 (A) Up to 70 percent of such funds may  
14 be obligated prior to the certification and report  
15 by the Secretary of State pursuant to subpara-  
16 graph (B).

17 (B) Up to 15 percent of such funds may  
18 be obligated only after the Secretary of State  
19 consults with, and subsequently certifies and  
20 submits a written report to, the Committees on  
21 Appropriations that—

22 (i) The Commander General of the  
23 Colombian Armed Forces is suspending or  
24 placing on administrative duty, if re-  
25 quested by the prosecutor, members of the  
26 Armed Forces who, according to the Min-



1           ister of Defense, the Fiscal General or the  
2           Procuraduria General, have been credibly  
3           alleged to have violated human rights or to  
4           have aided or abetted paramilitary organi-  
5           zations or successor armed groups.

6           (ii) The Government of Colombia is  
7           investigating and prosecuting, in the civil-  
8           ian justice system, members of the Colom-  
9           bian Armed Forces who have been credibly  
10          alleged to have violated human rights or to  
11          have aided or abetted paramilitary organi-  
12          zations or successor armed groups.

13          (iii) The Colombian Armed Forces are  
14          cooperating fully with civilian prosecutors  
15          and judicial authorities in such cases (in-  
16          cluding providing requested information,  
17          such as the identity of persons suspended  
18          from the Armed Forces and the cause of  
19          the suspension, and access to witnesses,  
20          relevant military documents, and other re-  
21          quested information).

22          (iv) The Colombian Armed Forces  
23          have severed links (including denying ac-  
24          cess to military intelligence, vehicles, and  
25          other equipment or supplies, and ceasing

1 other forms of active or tacit cooperation)  
2 with paramilitary organizations or suc-  
3 cessor armed groups, especially in regions  
4 where such organizations have a significant  
5 presence.

6 (v) The Government of Colombia is  
7 dismantling paramilitary leadership and fi-  
8 nancial networks by arresting and pros-  
9 ecuting in the civilian justice system indi-  
10 viduals who have provided financial, plan-  
11 ning, or logistical support, or have other-  
12 wise aided or abetted paramilitary organi-  
13 zations or successor armed groups; by  
14 identifying and seizing land and other as-  
15 sets illegally acquired by such organiza-  
16 tions or their associates and returning  
17 such land or assets to their rightful occu-  
18 pants or owners; by revoking reduced sen-  
19 tences for demobilized paramilitaries who  
20 engage in new criminal activity; and by ar-  
21 resting and prosecuting under civilian  
22 criminal law, and when requested, extra-  
23 diting to the United States members of  
24 successor armed groups.

1           (vi) The Government of Colombia is  
2           ensuring that the Colombian Armed Forces  
3           are respecting the rights of Colombia’s in-  
4           digenous and Afro-Colombian communities,  
5           and that the Colombian Armed Forces are  
6           implementing procedures to distinguish be-  
7           tween civilians, including displaced per-  
8           sons, and combatants in their operations.

9           (C) After July 31, 2009, the balance of  
10          such funds may be obligated if, before such ob-  
11          ligation, the Secretary of State consults with,  
12          and subsequently certifies and submits a writ-  
13          ten report to the Committees on Appropriations  
14          that the Colombian Armed Forces are con-  
15          tinuing to meet the requirements described in  
16          paragraph (B) and are conducting vigorous op-  
17          erations to restore civilian government authority  
18          and respect for human rights in areas under  
19          the effective control of paramilitary organiza-  
20          tions or successor armed groups and guerrilla  
21          organizations.

22          (3) CERTAIN FUNDS EXEMPTED.—The require-  
23          ment to withhold funds from obligation shall not  
24          apply with respect to funds made available under the  
25          heading “Andean Counterdrug Programs” in this

1 Act for continued support for the Critical Flight  
2 Safety Program or for any alternative development  
3 programs in Colombia administered by the Bureau  
4 of International Narcotics and Law Enforcement Af-  
5 fairs, Department of State.

6 (4) REPORT.—At the time the Secretary of  
7 State submits certifications pursuant to paragraphs  
8 (2)(B) and (C) of this subsection, the Secretary  
9 shall also submit to the Committees on Appropria-  
10 tions a report that contains, with respect to each  
11 such paragraph, a detailed description of the specific  
12 actions taken by both the Colombian Government  
13 and Colombian Armed Forces which support each  
14 requirement of the certification, and the cases or  
15 issues brought to the attention of the Secretary, in-  
16 cluding through the Department of State’s annual  
17 Country Reports on Human Rights Practices, for  
18 which the actions taken by the Colombian Govern-  
19 ment or Armed Forces have been determined by the  
20 Secretary of State to be inadequate.

21 (5) CONSULTATIVE PROCESS.—Not later than  
22 60 days after the date of enactment of this Act, and  
23 every 180 days thereafter, the Secretary of State  
24 shall consult with Colombian and internationally rec-  
25 ognized human rights organizations regarding

1 progress in meeting the requirements contained in  
2 paragraph (2).

3 (6) Of the funds appropriated under the head-  
4 ing “Economic Support Fund” in this Act, not less  
5 than \$199,000,000 shall be apportioned directly to  
6 the United States Agency for International Develop-  
7 ment (USAID) for alternative development/institu-  
8 tion building and sustainable development programs  
9 in Colombia and may be transferred to, and merged  
10 with, funds appropriated by this Act under the head-  
11 ing “Development Assistance” to continue programs  
12 administered by USAID, which funds may be made  
13 available notwithstanding section 660 of the Foreign  
14 Assistance Act of 1961, of which not less than  
15 \$45,000,000 shall be for assistance for internally  
16 displaced persons, and of which not more than  
17 \$16,700,000 may be made available for demobiliza-  
18 tion and reintegration of former combatants: *Pro-*  
19 *vided*, That with respect to funds apportioned to  
20 USAID under this paragraph, the responsibility for  
21 policy decisions for the use of such funds, including  
22 which activities will be funded and the amount of  
23 funds that will be provided for each of those activi-  
24 ties, shall be the responsibility of the USAID Ad-  
25 ministrator in consultation with the Assistant Sec-

1       retary of State for International Narcotics and Law  
2       Enforcement Affairs.

3               (7) Of the funds appropriated under the head-  
4       ing “International Narcotics Control and Law En-  
5       forcement” in this Act, not more than \$45,000,000  
6       may be made available for assistance for Colombia,  
7       of which \$9,500,000 shall be for judicial reform pro-  
8       grams, \$8,000,000 shall be made available to  
9       USAID for human rights activities, \$15,000,000  
10      shall be for the Office of the Fiscal General includ-  
11      ing not less than \$5,000,000 for the human rights  
12      unit and not less than \$5,000,000 for the Justice  
13      and Peace Unit, and for witness protection for vic-  
14      tims of armed groups and investigations of mass  
15      graves, \$5,000,000 shall be for the Office of the  
16      Procuraduria General, and \$750,000 shall be for a  
17      United States contribution to the Office of the  
18      United Nations High Commissioner for Human  
19      Rights in Colombia to support monitoring and public  
20      reporting of human rights conditions in the field.

21              (8) Of the funds appropriated under the head-  
22      ing “Andean Counterdrug Programs” in this Act,  
23      not more than \$241,000,000 may be made available  
24      for assistance for Colombia: *Provided*, That funds  
25      made available for assistance for the Government of

1 Colombia in this Act may be used to support a uni-  
2 fied campaign against narcotics trafficking and or-  
3 ganizations designated as Foreign Terrorist Organi-  
4 zations and successor organizations, and to take ac-  
5 tions to protect human health and welfare in emer-  
6 gency circumstances, including undertaking rescue  
7 operations: *Provided further*, That assistance made  
8 available previously for the Government of Colombia  
9 to protect the Cano-Limon pipeline may also be used  
10 for purposes for which funds are made available  
11 under the heading “Andean Counterdrug Programs”  
12 and this paragraph: *Provided further*, That no  
13 United States Armed Forces personnel or United  
14 States civilian contractor employed by the United  
15 States shall participate in any combat operation in  
16 connection with assistance made available by this  
17 Act for Colombia: *Provided further*, That rotary and  
18 fixed wing aircraft supported with funds appro-  
19 priated under the heading “Andean Counterdrug  
20 Programs” for assistance for Colombia may be used  
21 for aerial or manual drug eradication and interdic-  
22 tion including to transport personnel and supplies  
23 and to provide security for such operations, and to  
24 provide transport in support of alternative develop-  
25 ment programs and investigations of cases under the

1 jurisdiction of the Fiscal General, the Procuraduria  
2 General, and the Defensoria del Pueblo: *Provided*  
3 *further*, That of the funds available for the Colom-  
4 bian national police for the procurement of chemi-  
5 cals for aerial coca and poppy eradication programs,  
6 not more than 20 percent of such funds may be  
7 made available for such eradication programs unless  
8 the Secretary of State certifies to the Committees on  
9 Appropriations that: (1) the herbicide is being used  
10 in accordance with EPA label requirements for com-  
11 parable use in the United States and with Colom-  
12 bian laws; and (2) the herbicide, in the manner it is  
13 being used, does not pose unreasonable risks or ad-  
14 verse effects to humans or the environment (includ-  
15 ing deforestation resulting from migration caused by  
16 such eradication, and harm to endemic species): *Pro-*  
17 *vided further*, That such funds may not be made  
18 available unless the Secretary of State certifies to  
19 the Committees on Appropriations that complaints  
20 of harm to health or licit crops caused by such aerial  
21 eradication are thoroughly evaluated and fair com-  
22 pensation is being paid in a timely manner for meri-  
23 torious claims: *Provided further*, That the Secretary  
24 shall submit a report to the Committees on Appro-  
25 priations detailing all claims, evaluations, and com-



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

1           (9) Of the funds appropriated under the head-  
2           ing “Foreign Military Financing Program” in this  
3           Act, not more than \$53,000,000 may be made avail-  
4           able for assistance for Colombia.

5           (10) The terms and conditions of section 649(e)  
6           and (f) of the Department of State, Foreign Oper-  
7           ations, and Related Programs Appropriations Act,  
8           2008 (division J of Public Law 110–161) shall apply  
9           to assistance for Colombia in this Act.

10          (b) MEXICO.—Of the funds appropriated by this Act  
11         under the headings “International Narcotics Control and  
12         Law Enforcement” and “Economic Support Fund”, not  
13         more than \$300,000,000 may be made available for assist-  
14         ance for Mexico, only to combat drug trafficking and re-  
15         lated violence and organized crime, and for judicial re-  
16         form, institution building, anti-corruption, and rule of law  
17         activities, of which not less than \$35,000,000 shall be for  
18         judicial reform, institution building, anti-corruption, and  
19         rule of law activities.

20          (1) ALLOCATION OF FUNDS.—Fifteen percent  
21         of the funds made available under this section for  
22         assistance for Mexico, not including assistance for  
23         judicial reform, institution building, anti-corruption,  
24         and rule of law activities, may not be obligated until  
25         the Secretary of State reports in writing to the Com-

1       mittees on Appropriations that the Government of  
2       Mexico—

3               (A) is continuing to improve the trans-  
4               parency and accountability of Federal police  
5               forces and to work with State and municipal  
6               authorities to improve the transparency and ac-  
7               countability of State and municipal police forces  
8               through mechanisms including police complaints  
9               commissions with authority and independence  
10              to receive complaints and carry out effective in-  
11              vestigations;

12             (B) is conducting regular consultations  
13             with Mexican human rights organizations and  
14             other relevant Mexican civil society organiza-  
15             tions on recommendations for the implementa-  
16             tion of the Merida Initiative in accordance with  
17             Mexican and international law;

18             (C) is continuing to ensure that civilian  
19             prosecutors and judicial authorities are inves-  
20             tigating and prosecuting, in accordance with  
21             Mexican and international law, members of the  
22             Federal police and military forces who have  
23             been credibly alleged to have violated human  
24             rights, and the Federal police and military

1 forces are fully cooperating with the investiga-  
2 tions; and

3 (D) is continuing to enforce the prohibi-  
4 tion, in accordance with Mexican and inter-  
5 national law, on the use of testimony obtained  
6 through torture or other ill-treatment.

7 (2) REPORT.—The report required in para-  
8 graph (1) shall include a description of actions taken  
9 with respect to each requirement and the cases or  
10 issues brought to the attention of the Secretary of  
11 State for which the response or action taken has  
12 been inadequate.

13 (3) NOTIFICATION.—Funds made available for  
14 Mexico under this section shall be subject to the reg-  
15 ular notification procedures of the Committees on  
16 Appropriations and section 634A of the Foreign As-  
17 sistance Act of 1961 (22 U.S.C. 2394–1).

18 (4) SPENDING PLAN.—Not later than 45 days  
19 after the date of enactment of this Act, the Sec-  
20 retary of State shall submit to the Committees on  
21 Appropriations a detailed spending plan, developed  
22 after consulting with relevant Mexican Government  
23 authorities, for funds made available for Mexico  
24 under this section, with concrete goals, programs  
25 and activities to be funded, and anticipated results.

1           (5) ANALYSIS OF ALTERNATIVES.—Not less  
2           than 90 days prior to the obligation of funds for the  
3           procurement or lease of aircraft, the Director of the  
4           Defense Security Cooperation Agency, in consulta-  
5           tion with the Secretary of State, shall submit to the  
6           Committees on Appropriations an Analysis of Alter-  
7           natives for the acquisition of all aircraft for the  
8           Merida Initiative.

9           (c) CENTRAL AMERICA, HAITI AND THE DOMINICAN  
10          REPUBLIC.—Of the funds appropriated by this Act under  
11          the headings “International Narcotics Control and Law  
12          Enforcement” and “Economic Support Fund”,  
13          \$100,000,000 may be made available for assistance for the  
14          countries of Central America, Haiti and the Dominican  
15          Republic only to combat drug trafficking and related vio-  
16          lence and organized crime, and for judicial reform, institu-  
17          tion building, anti-corruption, and rule of law activities,  
18          of which not less than \$35,000,000 shall be made available  
19          for judicial reform, institution building, anti-corruption,  
20          and rule of law activities: *Provided*, That of the funds ap-  
21          propriated under the heading “Economic Support Fund”  
22          in this Act, \$25,000,000 shall be made available for con-  
23          tinued support for an Economic and Social Development  
24          Fund for Central America, of which \$20,000,000 shall be  
25          made available through the United States Agency for

1 International Development and \$5,000,000 shall be made  
2 available through the Department of State for educational  
3 exchange programs for students with high financial need:  
4 *Provided further*, That of the funds appropriated under  
5 the heading “International Narcotics Control and Law  
6 Enforcement” in this Act, \$2,500,000 shall be made avail-  
7 able for assistance for Haiti, \$2,500,000 shall be made  
8 available for assistance for the Dominican Republic,  
9 \$3,000,000 shall be made available for a United States  
10 contribution to the International Commission Against Im-  
11 punity in Guatemala (CICIG), \$2,000,000 shall be made  
12 available to improve the capacity of the Government of  
13 Guatemala to conduct forensic investigations, and  
14 \$1,000,000 shall be made available for witness protection  
15 programs in Guatemala.

16 (1) ALLOCATION OF FUNDS.—Fifteen percent  
17 of the funds made available under this section for  
18 assistance for the countries of Central America,  
19 Haiti and the Dominican Republic, not including as-  
20 sistance for judicial reform, institution building,  
21 anti-corruption, and rule of law activities, may not  
22 be obligated until the Secretary of State reports in  
23 writing to the Committees on Appropriations that  
24 the government of such country—

1 (A) has police complaints commissions with  
2 authority and independence to receive com-  
3 plaints and carry out effective investigations;

4 (B) is continuing to implement reforms to  
5 improve the capacity and ensure the independ-  
6 ence of the judiciary; and

7 (C) is continuing to investigate and pros-  
8 ecute members of the Federal police and mili-  
9 tary forces who have been credibly alleged to  
10 have violated human rights.

11 (2) REPORT.—The report required in para-  
12 graph (1) shall include a description of actions taken  
13 with respect to each requirement and the cases or  
14 issues brought to the attention of the Secretary of  
15 State for which the response or action taken has  
16 been inadequate.

17 (3) NOTIFICATION.—Funds made available for  
18 the countries of Central America, Haiti and the Do-  
19 minican Republic under this section shall be subject  
20 to the regular notification procedures of the Com-  
21 mittees on Appropriations and section 634A of the  
22 Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

23 (4) SPENDING PLAN.—Not later than 45 days  
24 after the date of enactment of this Act, the Sec-  
25 retary of State shall submit to the Committees on

1 Appropriations a detailed spending plan, developed  
2 after consulting with relevant Central American,  
3 Haitian and Dominican Republic authorities, with  
4 concrete goals, programs and activities to be funded,  
5 and anticipated results.

6 (5) DEFINITION.—For the purposes of this sec-  
7 tion, the term “countries of Central America” means  
8 Belize, Costa Rica, El Salvador, Guatemala, Hon-  
9 duras, Nicaragua, and Panama.

10 (d) HAITI.—The Government of Haiti shall be eligi-  
11 ble to purchase defense articles and services under the  
12 Arms Export Control Act (22 U.S.C. 2751 et seq.), for  
13 the Coast Guard.

14 (e) DOMINICAN REPUBLIC.—Of the funds appro-  
15 priated by this Act under the headings “Global Health and  
16 Child Survival” and “Development Assistance” that are  
17 available for assistance for the Dominican Republic, not  
18 less than \$5,000,000 shall be made available for basic  
19 health care, nutrition, sanitation, education, and shelter  
20 for migrant workers and other residents of batey commu-  
21 nities.

22 (f) GUATEMALA.—

23 (1) Funds appropriated by this Act under the  
24 heading “International Military Education and  
25 Training” (IMET) that are available for assistance



1 for Guatemala, other than for expanded IMET, may  
2 be made available only for the Guatemalan Air  
3 Force, Navy and Army Corps of Engineers: *Pro-*  
4 *vided*, That assistance for the Guatemalan Army  
5 Corps of Engineers shall only be available for train-  
6 ing to improve disaster response capabilities and to  
7 participate in international peacekeeping operations:  
8 *Provided further*, That such funds may be made  
9 available only if the Secretary of State certifies that  
10 the Guatemalan Armed Forces are respecting human  
11 rights and are cooperating with civilian judicial in-  
12 vestigations and prosecutions of current and retired  
13 military personnel who have been credibly alleged to  
14 have committed violations of human rights, and with  
15 the CICIG by granting access to CICIG personnel,  
16 providing evidence to CICIG, and allowing witness  
17 testimony.

18 (2) Of the funds appropriated by this Act under  
19 the heading “Foreign Military Financing Program”,  
20 not more than \$500,000 may be made available for  
21 the Guatemalan Air Force and Navy: *Provided*, That  
22 such funds may be made available only if the Sec-  
23 retary of State certifies that the Guatemalan Armed  
24 Forces are respecting human rights and are cooper-  
25 ating with civilian judicial investigations and pros-

1        ecutions of current and retired military personnel  
2        who have been credibly alleged to have committed  
3        violations of human rights, including protecting and  
4        providing to the Attorney General’s office all mili-  
5        tary archives pertaining to the internal armed con-  
6        flict, and the Guatemalan Armed Forces are cooper-  
7        ating with the CICIG by granting access to CICIG  
8        personnel, providing evidence to CICIG, and allow-  
9        ing witness testimony.

10        (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—

11        The costs of operations and maintenance, including fuel,  
12        of aircraft funded by this Act that are made available pur-  
13        suant to this section shall be borne by the recipient coun-  
14        try.

15                    ENERGY AND ENVIRONMENT PROGRAMS

16        SEC. 759. (a) ENERGY.—Of the funds appropriated  
17        by this Act, \$100,000,000 shall be made available to the  
18        United States Agency for International Development, in  
19        addition to funds otherwise made available for such pur-  
20        poses, for programs and activities which directly support  
21        zero-carbon renewable technologies and energy efficient  
22        end-use technologies, including solar-thermal, wind, geo-  
23        thermal, and small hydro, particularly in areas where ac-  
24        cess to energy is limited.

25        (b) BIODIVERSITY PROTECTION.—Of the funds ap-  
26        propriated under the heading “Development Assistance”

1 in this Act, not less than \$200,000,000 shall be made  
2 available for programs and activities which directly protect  
3 biodiversity, with an emphasis on protecting tropical for-  
4 ests, in developing countries, of which not less than  
5 \$25,000,000 shall be made available for the United States  
6 Agency for International Development's Amazon Basin  
7 Conservation Initiative: *Provided*, That of the funds made  
8 available under this paragraph, not less than \$17,500,000  
9 shall be made available for the Congo Basin Forest Part-  
10 nership of which not less than \$2,500,000 shall be made  
11 available to the United States Fish and Wildlife Service  
12 for conservation programs in Africa.

13 (c)(1) EXTRACTION OF NATURAL RESOURCES.—The  
14 Secretary of the Treasury shall inform the managements  
15 of the international financial institutions and the public  
16 that it is the policy of the United States to oppose any  
17 assistance by such institutions (including but not limited  
18 to any loan, credit, grant, or guarantee) for the extraction  
19 and export of oil, gas, coal, timber, or other natural re-  
20 source unless the government of the country has in place  
21 functioning systems for: (i) accurately accounting for pay-  
22 ments for companies involved in the extraction and export  
23 of natural resources; (ii) the independent auditing of ac-  
24 counts receiving such payments and the widespread public  
25 dissemination of the findings of such audits; and (iii)

1 verifying government receipts against company payments  
2 including widespread dissemination of such payment infor-  
3 mation, and disclosing such documents as Host Govern-  
4 ment Agreements, Concession Agreements, and bidding  
5 documents, allowing in any such dissemination or disclo-  
6 sure for the redaction of, or exceptions for, information  
7 that is commercially proprietary or that would create com-  
8 petitive disadvantage.

9       (2) Not later than 180 days after the enactment of  
10 this Act, the Secretary of the Treasury shall submit a re-  
11 port to the Committees on Appropriations describing, for  
12 each international financial institution, the amount and  
13 type of assistance provided, by country, for the extraction  
14 and export of oil, gas, coal, timber, or other natural re-  
15 sources in the preceeding 12 months, and whether each  
16 institution considered, in its proposal for such assistance,  
17 the extent to which the country has functioning systems  
18 described in paragraph (1).

19       (3) Of the funds appropriated under the heading  
20 “Economic Support Fund” in this Act, not less than  
21 \$3,000,000 shall be made available for a United States  
22 contribution to the Extractive Industries Transparency  
23 Initiative Trust Fund.

24                                   DEVELOPMENT GRANTS PROGRAM

25       SEC. 760. Of the funds appropriated by this Act to  
26 carry out chapter 1 of part I and chapter 4 of part II

1 of the Foreign Assistance Act of 1961, not less than  
2 \$50,000,000 shall be made available for the Development  
3 Grants Program established pursuant to section 674 of  
4 the Department of State, Foreign Operations, and Related  
5 Programs Appropriations Act (division J of Public Law  
6 110–161): *Provided*, That not more than 50 percent of  
7 this amount shall be derived from funds appropriated to  
8 carry out chapter 1 of part I of such Act: *Provided further*,  
9 That funds made available under this section are in addi-  
10 tion to other funds available for such purposes including  
11 funds designated by this Act by section 754.

12 USAID MANAGEMENT

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 761. (a) AUTHORITY.—Up to \$95,000,000 of  
15 the funds made available in title III of this Act to carry  
16 out the provisions of part I of the Foreign Assistance Act  
17 of 1961, including funds appropriated under the heading  
18 “Assistance for Europe, Eurasia and Central Asia”, may  
19 be used by the United States Agency for International De-  
20 velopment (USAID) to hire and employ individuals in the  
21 United States and overseas on a limited appointment basis  
22 pursuant to the authority of sections 308 and 309 of the  
23 Foreign Service Act of 1980.

24 (b) RESTRICTIONS.—

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

4           (2) The authority to hire individuals contained  
5           in subsection (a) shall expire on September 30,  
6           2010.

7           (c) CONDITIONS.—The authority of subsection (a)  
8           may only be used to the extent that an equivalent number  
9           of positions that are filled by personal services contractors  
10          or other non-direct hire employees of USAID, who are  
11          compensated with funds appropriated to carry out part I  
12          of the Foreign Assistance Act of 1961, including funds  
13          appropriated under the heading “Assistance for Europe,  
14          Eurasia and Central Asia”, are eliminated.

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

20          (e) CONSULTATIONS.—The USAID Administrator  
21          shall consult with the Committees on Appropriations at  
22          least on a quarterly basis concerning the implementation  
23          of this section.

24          (f) PROGRAM ACCOUNT CHARGED.—The account  
25          charged for the cost of an individual hired and employed

1 under the authority of this section shall be the account  
2 to which such individual's responsibilities primarily relate.  
3 Funds made available to carry out this section may be  
4 transferred to, and merged with, funds appropriated by  
5 this Act under the heading "Operating Expenses of the  
6 United States Agency for International Development".

7 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-  
8 viduals hired and employed by USAID, with funds made  
9 available in this Act or prior Acts making appropriations  
10 for foreign operations, export financing, and related pro-  
11 grams, pursuant to the authority of section 309 of the  
12 Foreign Service Act of 1980, may be extended for a period  
13 of up to 5 years notwithstanding the limitation set forth  
14 in such section.

15 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of  
16 the funds made available in subsection (a), USAID may  
17 use, in addition to funds otherwise available for such pur-  
18 poses, up to \$15,000,000 to fund overseas support costs  
19 of members of the Foreign Service with a Foreign Service  
20 rank of four or below: *Provided*, That such authority is  
21 only used to reduce USAID's reliance on overseas personal  
22 services contractors or other non-direct hire employees  
23 compensated with funds appropriated to carry out part I  
24 of the Foreign Assistance Act of 1961, including funds

1 appropriated under the heading “Assistance for Europe  
2 and Eurasia”.

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

12 OPIC TRANSFER AUTHORITY

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 762. Whenever the President determines that  
15 it is in furtherance of the purposes of the Foreign Assist-  
16 ance Act of 1961, up to a total of \$20,000,000 of the  
17 funds appropriated under title III of this Act may be  
18 transferred to and merged with funds appropriated by this  
19 Act for the Overseas Private Investment Corporation Pro-  
20 gram Account, to be subject to the terms and conditions  
21 of that account: *Provided*, That such funds shall not be  
22 available for administrative expenses of the Overseas Pri-  
23 vate Investment Corporation: *Provided further*, That des-  
24 ignated funding levels in this Act shall not be transferred  
25 pursuant to this section: *Provided further*, That the exer-



1 cise of such authority shall be subject to the regular notifi-  
2 cation procedures of the Committees on Appropriations.

3 REPORTING REQUIREMENT

4 SEC. 763. The Secretary of State shall provide the  
5 Committees on Appropriations, not later than April 1,  
6 2009, and for each fiscal quarter, a report in writing on  
7 the uses of funds made available under the headings “For-  
8 eign Military Financing Program”, “International Mili-  
9 tary Education and Training”, and “Peacekeeping Oper-  
10 ations”: *Provided*, That such report shall include a de-  
11 scription of the obligation and expenditure of funds, and  
12 the specific country in receipt of, and the use or purpose  
13 of the assistance provided by such funds.

14 INHUMANE INTERNATIONAL PRISON CONDITIONS

15 SEC. 764. (a) Funds appropriated by this Act to  
16 carry out the provisions of chapters 1 and 11 of part I  
17 and chapter 4 of part II of the Foreign Assistance Act  
18 of 1961, and the Support for East European Democracy  
19 (SEED) Act of 1989, shall be made available for assist-  
20 ance to help eliminate inhumane prison conditions in coun-  
21 tries whose governments do not comply with minimum  
22 standards for international prison conditions but are mak-  
23 ing efforts to comply, notwithstanding any other provision  
24 of law and subject to the regular notification procedures  
25 of the Committees on Appropriations.

1           (b) Within 180 days after the date of enactment of  
2 this Act, the Secretary of State shall submit to the Com-  
3 mittees on Appropriations a report describing the prison  
4 conditions of countries whose governments receive assist-  
5 ance under this Act and prior Acts making appropriations  
6 for foreign operations, export financing and related pro-  
7 gram, and identifying those governments which do not  
8 meet minimum standards for international prison condi-  
9 tions but are making significant efforts to comply, and  
10 those governments that do not meet such standards and  
11 are not making significant efforts to comply, and the spe-  
12 cific standards such governments are failing to meet: *Pro-*  
13 *vided*, That such report shall be made available to the pub-  
14 lic, including on the Department of State website.

15           (c) For the purposes of this section, “minimum  
16 standards for international prison conditions” shall  
17 mean—

18           (1) The number of prisoners held in a facility  
19 does not so exceed prison capacity such that per  
20 capita floor space is sufficient to allow for humane  
21 sleeping conditions and reasonable physical move-  
22 ment.

23           (2) Human waste facilities are located sepa-  
24 rately from the prison population at large, and

1 human waste is disposed of regularly in a sanitary  
2 manner.

3 (3) The lighting, ventilation, temperature and  
4 physical construction of prison facilities do not en-  
5 danger the health and safety of the prisoners.

6 (4) Prisoners have access to adequate food and  
7 drinking water.

8 (5) Prisoners have access to basic and emer-  
9 gency medical care.

10 (6) Prisoners are allowed reasonable contact  
11 with family members and others and, to the max-  
12 imum extent practicable, permitted religious observ-  
13 ance.

14 (7) The government permits prisoners to sub-  
15 mit complaints to judicial authorities and inves-  
16 tigate credible allegations of inhumane prison con-  
17 ditions.

18 (d) STAFFING.—Of the funds appropriated by this  
19 Act under the heading “Diplomatic and Consular Pro-  
20 grams”, funds shall be made available to the Bureau of  
21 Democracy, Human Rights and Labor for a Deputy As-  
22 sistant Secretary level position which shall have primary  
23 responsibility for implementing this section.

24 IRAQ

25 SEC. 765. (a) MATCHING REQUIREMENT.—The  
26 terms and conditions of section 1402(e)(1) and (2) of Pub-

1 lie Law 110–252 shall apply to assistance for Iraq in this  
2 Act.

3 (b) CERTIFICATION AND REPORTS.—

4 (1) The Secretary of State shall certify to the  
5 Committees on Appropriations, prior to the initial  
6 obligation of funds made available for assistance for  
7 Iraq in this Act, that the Government of Iraq has  
8 committed to obligate matching funds on a dollar-  
9 for-dollar basis. The Secretary shall submit a report  
10 to the Committees on Appropriations not later than  
11 September 30, 2009 and 180 days thereafter, detail-  
12 ing the amounts of funds obligated and expended by  
13 the Government of Iraq to meet the requirements of  
14 this section.

15 (2) Not later than 90 days after enactment of  
16 this Act and consistent with section 1402(e)(4) of  
17 Public Law 110–252, the Secretary of State shall  
18 submit a report to the Committees on Appropria-  
19 tions detailing the amount of funds the Government  
20 of Iraq plans to provide in fiscal year 2009 to orga-  
21 nizations and programs for the purpose of assisting  
22 Iraqi refugees, on a dollar-for-dollar matching basis  
23 with United States contributions.

24 (3) Not later than 180 days after enactment of  
25 this Act, the Secretary of State, in consultation with

1 relevant United States Government agencies, shall  
2 submit to the Committees on Appropriations a re-  
3 port, in classified form if necessary, that details the  
4 plans, costs and timelines associated with the transi-  
5 tion of programs and activities funded under titles  
6 II through VI of this Act and prior Acts making ap-  
7 propriations for the Department of State, foreign  
8 operations, and related programs to the Government  
9 of Iraq.

10 UZBEKISTAN

11 SEC. 766. (a) Funds appropriated by this Act may  
12 be made available for assistance for the central Govern-  
13 ment of Uzbekistan if the Secretary of State determines  
14 and reports to the Committees on Appropriations that the  
15 Government of Uzbekistan is making substantial and con-  
16 tinuing progress—

17 (1) in meeting its commitments under the  
18 “Declaration on the Strategic Partnership and Co-  
19 operation Framework Between the Republic of  
20 Uzbekistan and the United States of America”, in-  
21 cluding respect for human rights, establishing a gen-  
22 uine multi-party system, and ensuring free and fair  
23 elections, freedom of expression, and the independ-  
24 ence of the media; and

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

4           (b) If the Secretary of State has credible evidence  
5           that any current or former official of the Government of  
6           Uzbekistan was responsible for the deliberate killings of  
7           civilians in Andijan in May 2005, or for other gross viola-  
8           tions of human rights in Uzbekistan, not later than 6  
9           months after enactment of this Act any person identified  
10          by the Secretary pursuant to this subsection shall be ineli-  
11          gible for admission to the United States.

12          (c) The restriction in subsection (b) shall cease to  
13          apply if the Secretary determines and reports to the Com-  
14          mittees on Appropriations that the Government of  
15          Uzbekistan has taken concrete and measurable steps to  
16          improve respect for human rights, including allowing  
17          peaceful political and religious expression, releasing im-  
18          prisoned human rights defenders, and implementing rec-  
19          ommendations made by the United Nations on torture.

20          (d) The Secretary may waive the application of sub-  
21          section (b) if the Secretary determines that admission to  
22          the United States is necessary to attend the United Na-  
23          tions or to further United States law enforcement objec-  
24          tives.

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

3 UNITED NATIONS HUMAN RIGHTS COUNCIL

4 SEC. 767. (a) None of the funds appropriated by this  
5 Act may be made available for a United States contribu-  
6 tion to the United Nations Human Rights Council.

7 (b) The prohibition under subsection (a) shall not  
8 apply if—

9 (1) the Secretary of State certifies to the Com-  
10 mittees on Appropriations that the provision of  
11 funds to support the United Nations Human Rights  
12 Council is in the national interest of the United  
13 States; or

14 (2) the United States is a member of the  
15 Human Rights Council.

16 ATTENDANCE AT INTERNATIONAL CONFERENCES

17 SEC. 768. None of the funds made available in this  
18 Act may be used to send or otherwise pay for the attend-  
19 ance of more than 35 employees of agencies or depart-  
20 ments of the United States Government who are stationed  
21 in the United States, at any single international con-  
22 ference occurring outside the United States, unless the  
23 Secretary of State reports to the Committees on Appro-  
24 priations that such attendance is in the national interest:  
25 *Provided*, That for purposes of this section the term  
26 “international conference” shall mean a conference at-

1 tended by employees of the United States Government and  
2 employees of foreign governments, international organiza-  
3 tions, or nongovernmental organizations.

4 CENTRAL ASIA

5 SEC. 769. (a) Funds appropriated by this Act may  
6 be made available for assistance for the Government of  
7 Kazakhstan if the Secretary of State reports to the Com-  
8 mittees on Appropriations that the Government of  
9 Kazakhstan has made significant improvements in the  
10 protection of human rights and civil liberties during the  
11 preceding 6 month period, including by fulfilling obliga-  
12 tions recommended by the Organization for Security and  
13 Cooperation in Europe (OSCE) in the areas of election  
14 procedures, media freedom, freedom of religion, free as-  
15 sembly and minority rights, and by meeting the commit-  
16 ments it made in connection with its assumption of the  
17 Chairmanship of the OSCE in 2010.

18 (b) The Secretary of State may waive subsection (a)  
19 if the Secretary determines and reports to the Committees  
20 on Appropriations that such a waiver is important to the  
21 national security of the United States.

22 (c) Not later than October 1, 2009, the Secretary of  
23 State shall submit a report to the Committees on Appro-  
24 priations and the Committee on Foreign Relations of the  
25 Senate and the Committee on Foreign Affairs of the  
26 House of Representatives describing the following:





1 tions in developing countries, including for the cost  
2 of translation; and

3 (2) \$2,500,000 shall be made available for pro-  
4 grams and activities administered by USAID to ad-  
5 dress the needs and protect the rights of people with  
6 disabilities in developing countries.

7 (b) Funds appropriated under the heading “Oper-  
8 ating Expenses of the United States Agency for Inter-  
9 national Development” in this Act shall be made available  
10 to develop and implement training for staff in overseas  
11 USAID missions to promote the full inclusion and equal  
12 participation of people with disabilities in developing coun-  
13 tries.

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

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

24 ORPHANS, DISPLACED AND ABANDONED CHILDREN

25 SEC. 771. Of the funds appropriated under title III  
26 of this Act, \$3,000,000 should be made available for ac-



1 fense articles by this Act or any other Act making appro-  
2 priations for foreign operations, export financing, and re-  
3 lated programs may be obligated or otherwise made avail-  
4 able to the government of a country that is identified by  
5 the Department of State in the Department of State's  
6 most recent Country Reports on Human Rights Practices  
7 as having governmental armed forces or government sup-  
8 ported armed groups, including paramilitaries, militias, or  
9 civil defense forces, that recruit or use child soldiers.

10 (b) The Secretary of State may provide assistance or  
11 defense articles otherwise prohibited under subsection (a)  
12 to a country upon certifying to the Committees on Appro-  
13 priations that the government of such country has imple-  
14 mented effective measures to demobilize children from its  
15 forces or from government-supported armed groups and  
16 prohibit and prevent the future recruitment or use of child  
17 soldiers.

18 (c) The Secretary of State may waive the application  
19 of the prohibition in subsection (a) on a country-by-coun-  
20 try basis if the Secretary determines and reports to the  
21 Committees on Appropriations that such waiver is impor-  
22 tant to the national interest of the United States.

23 SERBIA

24 SEC. 773. (a) Funds appropriated by this Act may  
25 be made available for assistance for the central Govern-  
26 ment of Serbia after May 31, 2009, if the President has

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

3 (b) After May 31, 2009, the Secretary of the Treas-  
4 ury should instruct the United States executive directors  
5 to the international financial institutions to support loans  
6 and assistance to the Government of Serbia subject to the  
7 conditions in subsection (c).

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

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

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



## PAKISTAN

1

2 SEC. 775. (a) Of the funds appropriated by this Act  
3 under the heading “Foreign Military Financing Pro-  
4 gram”, up to \$300,000,000 may be made available for as-  
5 sistance for Pakistan for counterterrorism and law en-  
6 forcement activities directed against the Taliban and al  
7 Qaeda and associated terrorist groups, as follows—

8 (b) Of the amount provided in subsection (a),  
9 \$50,000,000 may not be obligated until the Secretary of  
10 State reports in writing to the Committees on Appropria-  
11 tions that the Government of Pakistan—

12 (1) is making concerted efforts to prevent the  
13 Taliban, al Qaeda and associated terrorist groups  
14 from operating in the territory of Pakistan, includ-  
15 ing by eliminating terrorist training camps or facili-  
16 ties, arresting Taliban leaders and members of al  
17 Qaeda and associated terrorist groups, stopping  
18 cross-border incursions, and countering recruitment  
19 efforts; and

20 (2) has restored an independent judiciary.

21 (c) Funds appropriated by this Act that are made  
22 available for assistance for Pakistan shall be subject to  
23 the regular notification procedures of the Committees on  
24 Appropriations.

## SRI LANKA

1

2 SEC. 776. (a) None of the funds appropriated by this  
3 Act under the heading “Foreign Military Financing Pro-  
4 gram” may be made available for assistance for Sri  
5 Lanka, no defense export license may be issued, and no  
6 military equipment or technology shall be sold or trans-  
7 ferred to Sri Lanka pursuant to the authorities contained  
8 in this Act or any other Act, until the Secretary of State  
9 certifies to the Committee on Appropriations that—

10 (1) the Sri Lankan military is suspending and  
11 the Government of Sri Lanka is bringing to justice  
12 members of the military who have been credibly al-  
13 leged to have violated human rights or international  
14 humanitarian law, including complicity in the re-  
15 cruitment of child soldiers;

16 (2) the Government of Sri Lanka is providing  
17 access to humanitarian organizations and journalists  
18 throughout the country consistent with international  
19 humanitarian law; and

20 (3) the Government of Sri Lanka has agreed to  
21 the establishment of a field presence of the Office of  
22 the United Nations High Commissioner for Human  
23 Rights in Sri Lanka with sufficient staff and man-  
24 date to conduct full and unfettered monitoring  
25 throughout the country and to publicize its findings.



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

4 MILLENNIUM CHALLENGE CORPORATION

5 SEC. 777. (a) The Chief Executive Officer of the Mil-  
6 lennium Challenge Corporation shall, not later than 30  
7 days following enactment of this Act, submit to the Com-  
8 mittees on Appropriations a report on the proposed uses,  
9 on a country-by-country basis, of all funds appropriated  
10 under the heading “Millennium Challenge Corporation” in  
11 this Act or prior Acts making appropriations for foreign  
12 operations, export financing, and related programs pro-  
13 jected to be obligated and expended in fiscal year 2009  
14 and subsequent fiscal years.

15 (b) The report required in paragraph (a) shall in-  
16 clude, at a minimum, a description of—

17 (1) compacts in development, including the sta-  
18 tus of negotiations and the approximate range of  
19 value of the proposed compact;

20 (2) compacts in implementation, including the  
21 projected expenditure and disbursement of compact  
22 funds during fiscal year 2009 and subsequent fiscal  
23 years as determined by the country compact;

24 (3) threshold country programs in development,  
25 including the approximate range of value of the  
26 threshold country agreement;

1           (4) threshold country programs in implementa-  
2           tion; and

3           (5) use of administrative funds.

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

11          (d) The report required in paragraph (a) shall be up-  
12 dated on a quarterly basis.

13          (e) Funds appropriated by this Act under the heading  
14 “Millennium Challenge Corporation” may be transferred  
15 to, and merged with, funds made available under the head-  
16 ings “Diplomatic and Consular Programs” and “Embassy  
17 Security, Construction, and Maintenance”, to offset costs  
18 associated with the placement of personnel and the addi-  
19 tional security requirements of such personnel as a result  
20 of the programs and activities of the Millennium Challenge  
21 Corporation at United States missions abroad, subject to  
22 the regular notification procedures of the Committees on  
23 Appropriations.



1 narcotics matters, including matters relating to coopera-  
2 tion, coordination, and mutual assistance in the interdic-  
3 tion of illicit drugs being transported through Cuban air-  
4 space or over Cuban waters.

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

8 (1) Cuba does not have in place appropriate  
9 procedures to protect against the loss of innocent  
10 life in the air and on the ground in connection with  
11 the interdiction of illegal drugs; and

12 (2) there is credible evidence of involvement of  
13 the Government of Cuba in drug trafficking during  
14 the preceeding 10 years.

15 This Act may be cited as the “Department of State,  
16 Foreign Operations, and Related Programs Appropria-  
17 tions Act, 2009”.



Calendar No. 889

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3288**

[Report No. 110-425]

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## **A BILL**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2009, and for other purposes.

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JULY 18 (legislative day, JULY 17), 2008

Read twice and placed on the calendar