

# LEGISLATIVE LANGUAGE

## *Proposed Appropriation Language Department of State and Related Agencies*

### **ADMINISTRATION OF FOREIGN AFFAIRS**

#### **DIPLOMATIC AND CONSULAR PROGRAMS (INCLUDING TRANSFER OF FUNDS)**

*For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$7,570,202,000, of which \$1,453,730,000 is for Worldwide Security Protection (to remain available until expended): Provided, That of the funds made available under this heading, \$3,000,000 is to strengthen the Department's acquisition workforce capacity and capabilities: Provided further, That, with respect to the previous proviso, such funds shall be available for training, recruitment, retention, and hiring members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): Provided further, That, with respect to the first proviso, such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management: Provided further, That funds made available under this heading shall be allocated as follows:*

*(1) Human resources.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,628,275,000 to remain available until September 30, 2013, of which not less than \$140,314,000 shall be available only for public diplomacy American salaries, and \$211,815,000 is for Worldwide Security Protection and shall remain available until expended.*

*(2) Overseas programs.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$2,424,318,000, to remain available until September 30, 2013, of which not less than \$396,161,000 shall be available only for public diplomacy international information programs.*

*(3) Diplomatic policy and support.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$946,615,000, to remain available until September 30, 2013.*

*(4) Security programs.—For necessary expenses for security activities, \$1,570,994,000, to remain available until September 30, 2013, of which \$1,241,915,000 is for Worldwide Security Protection and shall remain available until expended.*

*(5) Fees and payments collected.—In addition to amounts otherwise made available under this heading—*

*(A) not to exceed \$1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;*

*(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or*

## LEGISLATIVE LANGUAGE

*other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and*

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

*(6) Transfer, reprogramming, and spending plan.—*

*(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7012 of this Act.*

*(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.*

*(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.*

*(D) Of the amount made available under this heading, not to exceed \$1,000,000 may be transferred to, and merged with, funds made available by this Act under the heading 'Representation Allowances', to be available for official representation activities, as authorized.*

### **CAPITAL INVESTMENT FUND**

*For necessary expenses of the Capital Investment Fund, \$125,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.*

### **[CIVILIAN STABILIZATION INITIATIVE] CONFLICT STABILIZATION OPERATIONS**

*For necessary expenses to support, maintain, mobilize, and deploy a civilian response corps and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$92,200,000, to remain available until expended: Provided, That funds made available under this heading may be made available to provide administrative expenses for the coordination of reconstruction and stabilization activities: Provided further, That the Secretary of State may transfer and merge funds made available under any other heading in Titles I, II, III and IV of this Act with funds made available under this heading to maintain and deploy a Civilian Response Corps and to provide reconstruction and stabilization assistance: Provided further, That the Secretary may appoint, compensate and remove Civilian Response Corps personnel without regard to Civil Service or classification laws.*

### **OFFICE OF INSPECTOR GENERAL**

*For necessary expenses of the Office of Inspector General, \$65,154,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections .*

### **EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS**

*For expenses of educational and cultural exchange programs, as authorized, \$637,100,000, to remain available until expended: Provided, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with*

## LEGISLATIVE LANGUAGE

*English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.*

### **EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE**

*For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$863,317,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.*

*In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$938,200,000, to remain available until expended.*

### **REPRESENTATION ALLOWANCES**

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

### **PROTECTION OF FOREIGN MISSIONS AND OFFICIALS**

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

### **EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE (INCLUDING TRANSFER OF FUNDS)**

*For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$10,000,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.*

### **PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN**

*For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), \$23,320,000.*

### **PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND**

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

### **REPATRIATION LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)**

*For the cost of direct loans, \$1,800,000, as authorized, of which \$711,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to "Diplomatic and Consular Programs": Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.*

## **INTERNATIONAL ORGANIZATIONS AND CONFERENCES**

### **CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

*For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,619,400,000 of which \$22,400,000 shall remain available until September 30, 2016: Provided, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective*

## LEGISLATIVE LANGUAGE

*international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.*

### **CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES**

*For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,920,000,000, to remain available until September 30, 2013: Provided, That at least 15 days in advance of voting for a new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations should be notified of the estimated cost and length of the mission, the national interest that will be served, the planned exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7012 of this Act should be submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission.*

### **INTERNATIONAL COMMISSIONS**

#### **INTERNATIONAL COMMISSIONS**

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

#### **INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO**

*For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:*

#### **SALARIES AND EXPENSES**

*For salaries and expenses, not otherwise provided for, \$45,591,000.*

#### **CONSTRUCTION**

*For detailed plan preparation and construction of authorized projects, \$31,900,000, to remain available until expended, as authorized.*

#### **AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS**

*For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, \$11,996,000: Provided, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.*

#### **INTERNATIONAL FISHERIES COMMISSIONS**

*For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$31,291,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.*

## LEGISLATIVE LANGUAGE

### *THE ASIA FOUNDATION*

*For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$14,906,000, to remain available until expended, as authorized.*

### *NATIONAL ENDOWMENT FOR DEMOCRACY*

*For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$104,000,000, to remain available until expended: Provided, That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.*

### *EAST-WEST CENTER*

*To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$10,830,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.*

## **TRUST FUNDS**

### *EISENHOWER EXCHANGE FELLOWSHIP PROGRAM*

*For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.*

### *ISRAELI ARAB SCHOLARSHIP PROGRAM*

*For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.*

### *CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND*

*For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.*

### ***Proposed General Provision Language***

### ***CONFLICT STABILIZATION OPERATIONS***

***SEC. 7049. (a) Funds appropriated or made available under this or any other Act for reconstruction and stabilization assistance, including funds that are reprogrammed or transferred to be made available for such purposes, may be made available for such purposes, notwithstanding any other provision of law; Provided, That the administrative authorities of the Foreign Assistance Act may be utilized for assistance furnished with such funds: Provided further, That the President may furnish additional assistance by executing the authorities provided in sections 552(c) and 610 of the Foreign Assistance Act,***

## LEGISLATIVE LANGUAGE

*notwithstanding the percentage and dollar limitations in such sections: Provided further, That funds allocated or reprogrammed for purposes of this section shall remain available until expended.*

*(b) Section 618 of the Foreign Assistance Act of 1961 is amended in subsection (b) by striking "and 2011" and inserting "2011, and 2012".*

### *BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS (INCLUDING TRANSFER AUTHORITY)*

*SEC. 7050. (a) There may be established in the Treasury of the United States a "Buying Power Maintenance, International Organizations" account. (b) At the end of each fiscal year, the Secretary of State may transfer to and merge with "Buying Power Maintenance, International Organizations" such amounts from "Contributions to International Organizations" as the Secretary determines are in excess of the needs of activities funded from "Contributions to International Organizations" because of fluctuations in foreign currency exchange rates.*

*(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to and merge with "Contributions to International Organizations" such amounts from "Buying Power Maintenance, International Organizations" as the Secretary determines are necessary to provide for the activities funded from "Contributions to International Organizations".*

*(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for "Contributions to International Organizations", the Secretary of State may transfer any unobligated balance of such funds to the "Buying Power Maintenance, International Organizations" account.*

*(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed \$100,000,000 as a result of any transfer under this subsection.*

*(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.*

*(e)(1) Funds transferred to the "Buying Power Maintenance, International Organizations" account pursuant to this section shall remain available until expended.*

*(2) The transfer authorities in this section shall be available for funds appropriated for fiscal year 2012 and for each fiscal year thereafter, and are in addition to any transfer authority otherwise available to the Department of State under other provisions of law.*

### *IT INNOVATION FUND*

*SEC. 7054. Of the funds appropriated or otherwise made available for "Diplomatic and Consular Programs" or "Capital Investment Fund", up to \$2,000,000 may be made available, including through grants and cooperative agreements, to support training, workshops, conferences, or other programs to enhance the capacity of foreign governments, nongovernmental organizations, and civil society in foreign countries to use technology in support of economic development, education, and health objectives.*

# LEGISLATIVE LANGUAGE

## *Proposed Appropriation Language Department of State*

### **OVERSEAS CONTINGENCY OPERATIONS**

#### *DEPARTMENT OF STATE*

*The establishment of Overseas Contingency Operations appropriations for the Department of State and USAID will sustain current and future civilian efforts in the front-line states of Afghanistan, Pakistan, Iraq and other crisis regions. The personnel and program requirements of these operations are extraordinary in their size, scale and complexity, driven by the urgency of securing U.S. vital national security interests of countering extremism and achieving regional stability in close cooperation with other agencies and the host governments. Creation of these accounts will enable a more coordinated, transparent presentation of U.S. Government resources devoted to contingency operation. Yet while the associated costs are well above the historical funding levels for the Department and USAID, they are temporary in nature, and will vary over time commensurate with the pace of civilian activity and the security environment in each country.*

#### **ADMINISTRATION OF FOREIGN AFFAIRS**

##### *DIPLOMATIC AND CONSULAR PROGRAMS*

*For an additional amount for "Diplomatic and Consular Programs", \$4,323,255,000, to remain available until September 30, 2013, of which \$246,854,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to \$230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961.*

##### *OFFICE OF THE INSPECTOR GENERAL*

*For an additional amount for "Office of the Inspector General", \$62,932,000, to remain available until September 30, 2013, of which \$18,545,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.*

#### **GENERAL PROVISIONS**

*SEC. 1. Notwithstanding any other provision of law, funds made available under the heading "Overseas Contingency Operations" are in addition to amounts appropriated or otherwise made available for the Department of State for fiscal year 2012.*

##### *(INCLUDING TRANSFER OF FUNDS)*

##### *SEC. 2.*

*(a) Unless otherwise provided for in this Act, additional amounts appropriated under the heading "Overseas Contingency Operations" to appropriation accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.*

*(b) The Secretary of State may, with the approval of the Director of the Office of Management and Budget, transfer up to \$100,000,000 between the appropriations or funds made available to the*

## LEGISLATIVE LANGUAGE

*Department of State under the heading "Overseas Contingency Operations": Provided, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law.*