

Calendar No. 541114TH CONGRESS
2^D SESSION**S. 3117****[Report No. 114–290]**

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2017, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2016

Mr. GRAHAM, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2017, 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 Department of State, foreign operations, and related pro-
6 grams for the fiscal year ending September 30, 2017, and
7 for other purposes, 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 For necessary expenses of the Department of State
8 and the Foreign Service not otherwise provided for,
9 \$6,006,296,000, of which up to \$660,231,000 may remain
10 available until September 30, 2018, and of which up to
11 \$1,604,755,000 may remain available until expended for
12 Worldwide Security Protection: *Provided*, That funds
13 made available under this heading shall be allocated in ac-
14 cordance with paragraphs (1) through (4) as follows:

15 (1) HUMAN RESOURCES.—For necessary ex-
16 penses for training, human resources management,
17 and salaries, including employment without regard
18 to civil service and classification laws of persons on
19 a temporary basis (not to exceed \$700,000), as au-
20 thorized by section 801 of the United States Infor-
21 mation and Educational Exchange Act of 1948,
22 \$2,606,152,000, of which up to \$463,417,000 is for
23 Worldwide Security Protection.

24 (2) OVERSEAS PROGRAMS.—For necessary ex-
25 penses for the regional bureaus of the Department

1 of State and overseas activities as authorized by law,
2 \$1,477,436,000.

3 (3) DIPLOMATIC POLICY AND SUPPORT.—For
4 necessary expenses for the functional bureaus of the
5 Department of State, including representation to
6 certain international organizations in which the
7 United States participates pursuant to treaties rati-
8 fied pursuant to the advice and consent of the Sen-
9 ate or specific Acts of Congress, general administra-
10 tion, and arms control, nonproliferation and disar-
11 mament activities as authorized, \$759,125,000.

12 (4) SECURITY PROGRAMS.—For necessary ex-
13 penses for security activities, \$1,163,583,000, of
14 which up to \$1,141,338,000 is for Worldwide Secu-
15 rity Protection.

16 (5) FEES AND PAYMENTS COLLECTED.—In ad-
17 dition to amounts otherwise made available under
18 this heading—

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

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

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

6 (6) TRANSFER OF FUNDS, REPROGRAMMING,
7 AND OTHER MATTERS.—

8 (A) Notwithstanding any other provision of
9 this Act, funds may be reprogrammed within
10 and between paragraphs (1) through (4) under
11 this heading subject to section 7015 of this Act.

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

19 (C) Funds appropriated under this heading
20 are available for acquisition by exchange or pur-
21 chase of passenger motor vehicles as authorized
22 by law and, pursuant to section 1108(g) of title
23 31, United States Code, for the field examina-
24 tion of programs and activities in the United

1 States funded from any account contained in
2 this title.

3 (D) Funds appropriated under this head-
4 ing may be made available for Conflict Sta-
5 bilization Operations and for related reconstruc-
6 tion and stabilization assistance to prevent or
7 respond to conflict or civil strife in foreign
8 countries or regions, or to enable transition
9 from such strife.

10 CAPITAL INVESTMENT FUND

11 For necessary expenses of the Capital Investment
12 Fund, as authorized, \$12,600,000, to remain available
13 until expended.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General, \$87,069,000, notwithstanding section 209(a)(1)
17 of the Foreign Service Act of 1980 (Public Law 96-465),
18 as it relates to post inspections: *Provided*, That of the
19 funds appropriated under this heading, \$13,060,000 may
20 remain available until September 30, 2018.

21 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

22 For expenses of educational and cultural exchange
23 programs, as authorized, \$572,668,000, to remain avail-
24 able until expended, of which not less than \$236,000,000
25 shall be for the Fulbright Program and not less than

1 \$107,690,000 shall be for Citizen Exchange Program, in-
2 cluding \$4,000,000 for the Congress-Bundestag Youth
3 Exchange: *Provided*, That fees or other payments received
4 from, or in connection with, English teaching, educational
5 advising and counseling programs, and exchange visitor
6 programs as authorized may be credited to this account,
7 to remain available until expended: *Provided further*, That
8 a portion of the Fulbright awards from the Eurasia and
9 Central Asia regions shall be designated as Edmund S.
10 Muskie Fellowships, following consultation with the Com-
11 mittees on Appropriations: *Provided further*, That Depart-
12 ment of State-designated sponsors may not issue a Form
13 DS-2019 (Certificate of Eligibility for Exchange Visitor
14 (J-1) Status) to place student participants in seafood
15 product preparation or packaging positions in the Summer
16 Work Travel program in fiscal year 2017 unless prior to
17 issuing such Form the sponsor provides to the Secretary
18 of State a description of such program and verifies in writ-
19 ing to the Secretary that such program fully complies with
20 part 62 of title 22 of the Code of Federal Regulations,
21 notwithstanding subsection 62.32(h)(16) of such part, and
22 with the requirements specified in the report accom-
23 panying this Act: *Provided further*, That any substantive
24 modifications from the prior fiscal year to programs fund-
25 ed by this Act under this heading shall be subject to prior

1 consultation with, and the regular notification procedures
2 of, the Committees on Appropriations.

3 REPRESENTATION EXPENSES

4 For representation expenses as authorized,
5 \$8,030,000.

6 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

7 For expenses, not otherwise provided, to enable the
8 Secretary of State to provide for extraordinary protective
9 services, as authorized, \$30,344,000, to remain available
10 until September 30, 2018.

11 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

12 For necessary expenses for carrying out the Foreign
13 Service Buildings Act of 1926 (22 U.S.C. 292 et seq.),
14 preserving, maintaining, repairing, and planning for build-
15 ings that are owned or directly leased by the Department
16 of State, renovating, in addition to funds otherwise avail-
17 able, the Harry S Truman Building, and carrying out the
18 Diplomatic Security Construction Program as authorized,
19 \$759,161,000, to remain available until expended, of
20 which not to exceed \$25,000 may be used for domestic
21 and overseas representation expenses as authorized: *Pro-*
22 *vided*, That none of the funds appropriated in this para-
23 graph shall be available for acquisition of furniture, fur-
24 nishings, or generators for other departments and agen-
25 cies of the United States Government: *Provided further*,

1 That reimbursements received by the Department of State
2 from other departments and agencies of the United States
3 Government for improvement or construction costs of
4 overseas facilities shall be credited to this account and
5 shall remain available until expended.

6 In addition, for the costs of worldwide security up-
7 grades, acquisition, and construction as authorized,
8 \$358,698,000, to remain available until expended: *Pro-*
9 *vided*, That not later than 45 days after enactment of this
10 Act, the Secretary of State shall submit to the Committees
11 on Appropriations the proposed allocation of funds made
12 available under this heading and the actual and antici-
13 pated proceeds of sales for all projects in fiscal year 2017.

14 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
15 SERVICE

16 For necessary expenses to enable the Secretary of
17 State to meet unforeseen emergencies arising in the Diplo-
18 matic and Consular Service, as authorized, \$7,900,000, to
19 remain available until expended, of which not to exceed
20 \$1,000,000 may be transferred to, and merged with, funds
21 appropriated by this Act under the heading “Repatriation
22 Loans Program Account”, subject to the same terms and
23 conditions.

1 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
2 DISABILITY FUND

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

5 INTERNATIONAL ORGANIZATIONS

6 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

7 For necessary expenses, not otherwise provided for,
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, \$1,279,084,000: *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 not later than May 1, 2017, and 30 days
25 after the end of fiscal year 2017, the Secretary of State

1 shall report to the Committees on Appropriations any
2 credits available to the United States, including from the
3 United Nations Tax Equalization Fund, and provide up-
4 dated fiscal year 2017 and fiscal year 2018 assessment
5 costs including offsets from available credits and updated
6 foreign currency exchange rates: *Provided further*, That
7 any such credits shall only be available for United States
8 assessed contributions to the United Nations and the
9 Committees on Appropriations shall be notified when such
10 credits are applied to any assessed contribution, including
11 any payment of arrearages: *Provided further*, That any no-
12 tification regarding funds appropriated or otherwise made
13 available under this heading in this Act or prior Acts mak-
14 ing appropriations for the Department of State, foreign
15 operations, and related programs submitted pursuant to
16 section 7015 of this Act, section 34 of the State Depart-
17 ment Basic Authorities Act of 1956 (22 U.S.C. 2706), or
18 any operating plan submitted pursuant to section 7076
19 of this Act, shall include an estimate of all known credits
20 currently available to the United States and provide up-
21 dated assessment costs including offsets from available
22 credits and updated foreign currency exchange rates: *Pro-*
23 *vided further*, That any payment of arrearages under this
24 heading shall be directed to activities that are mutually
25 agreed upon by the United States and the respective inter-

1 national organization and shall be subject to the regular
2 notification procedures of the Committees on Appropria-
3 tions: *Provided further*, That none of the funds appro-
4 priated under this heading shall be available for a United
5 States contribution to an international organization for
6 the United States share of interest costs made known to
7 the United States Government by such organization for
8 loans incurred on or after October 1, 1984, through exter-
9 nal borrowings.

10 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

11 ACTIVITIES

12 For necessary expenses to pay assessed and other ex-
13 penses of international peacekeeping activities directed to
14 the maintenance or restoration of international peace and
15 security, \$781,930,000, of which 15 percent shall remain
16 available until September 30, 2018: *Provided*, That none
17 of the funds made available by this Act shall be obligated
18 or expended for any new or expanded United Nations
19 peacekeeping mission unless, at least 15 days in advance
20 of voting for such mission in the United Nations Security
21 Council (or in an emergency as far in advance as is prac-
22 ticable), the Committees on Appropriations are notified of:
23 (1) the estimated cost and duration of the mission, the
24 objectives of the mission, the national interest that will
25 be served, and the exit strategy; and (2) the sources of

1 funds, including any reprogrammings or transfers, that
2 will be used to pay the cost of the new or expanded mis-
3 sion, and the estimated cost in future fiscal years: *Pro-*
4 *vided further*, That none of the funds appropriated under
5 this heading may be made available for obligation unless
6 the Secretary of State certifies and reports to the Commit-
7 tees on Appropriations on a peacekeeping mission-by-mis-
8 sion basis that the United Nations is implementing effec-
9 tive policies and procedures to prevent United Nations em-
10 ployees, contractor personnel, and peacekeeping troops
11 serving in such mission from trafficking in persons, ex-
12 ploiting victims of trafficking, or committing acts of sexual
13 exploitation and abuse or other violations of human rights,
14 and to bring to justice individuals who engage in such acts
15 while participating in such mission, including prosecution
16 in their home countries and making information about
17 such prosecutions publicly available on the Web site of the
18 United Nations: *Provided further*, That the Secretary of
19 State shall work with the United Nations and foreign gov-
20 ernments contributing peacekeeping troops to implement
21 effective vetting procedures to ensure that such troops
22 have not violated human rights: *Provided further*, That
23 funds shall be available for peacekeeping expenses unless
24 the Secretary of State determines that United States man-
25 ufacturers and suppliers are not being given opportunities

1 to provide equipment, services, and material for United
2 Nations peacekeeping activities equal to those being given
3 to foreign manufacturers and suppliers: *Provided further,*
4 That none of the funds appropriated or otherwise made
5 available under this heading may be used for any United
6 Nations peacekeeping mission that will involve United
7 States Armed Forces under the command or operational
8 control of a foreign national, unless the President's mili-
9 tary advisors have submitted to the President a rec-
10 ommendation that such involvement is in the national in-
11 terest of the United States and the President has sub-
12 mitted to Congress such a recommendation: *Provided fur-*
13 *ther,* That not later than May 1, 2017, and 30 days after
14 the end of fiscal year 2017, the Secretary of State shall
15 report to the Committees on Appropriations any credits
16 available to the United States, including those resulting
17 from United Nations peacekeeping missions or the United
18 Nations Tax Equalization Fund, and provide updated fis-
19 cal year 2017 and fiscal year 2018 assessment costs in-
20 cluding offsets from available credits: *Provided further,*
21 That any such credits shall only be available for United
22 States assessed contributions to the United Nations, and
23 the Committees on Appropriations shall be notified when
24 such credits are applied to any assessed contribution, in-
25 cluding any payment of arrearages: *Provided further,* That

1 any notification regarding funds appropriated or otherwise
2 made available under this heading in this Act or prior Acts
3 making appropriations for the Department of State, for-
4 eign operations, and related programs submitted pursuant
5 to section 7015 of this Act, section 34 of the State Depart-
6 ment Basic Authorities Act of 1956 (22 U.S.C. 2706), or
7 any operating plan submitted pursuant to section 7076
8 of this Act, shall include an estimate of all known credits
9 currently available to the United States and provide up-
10 dated assessment costs including offsets from available
11 credits: *Provided further*, That any payment of arrearages
12 with funds appropriated by this Act shall be subject to
13 the regular notification procedures of the Committees on
14 Appropriations: *Provided further*, That the Secretary of
15 State shall work with the United Nations and members
16 of the United Nations Security Council to evaluate and
17 prioritize peacekeeping missions, and to consider a draw
18 down when mission goals have been substantially achieved:
19 *Provided further*, That notwithstanding any other provi-
20 sion of law, funds appropriated or otherwise made avail-
21 able under this heading may be available for United States
22 assessed contributions up to the amount specified in the
23 Annex accompanying United Nations General Assembly
24 document A/70/331/Add.1.

1 INTERNATIONAL COMMISSIONS

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

5 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
6 UNITED STATES AND MEXICO

7 For necessary expenses for the United States Section
8 of the International Boundary and Water Commission,
9 United States and Mexico, and to comply with laws appli-
10 cable to the United States Section, including not to exceed
11 \$6,000 for representation expenses; as follows:

12 SALARIES AND EXPENSES

13 For salaries and expenses, not otherwise provided for,
14 \$48,134,000.

15 CONSTRUCTION

16 For detailed plan preparation and construction of au-
17 thorized projects, \$28,400,000, to remain available until
18 expended, as authorized.

19 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

20 For necessary expenses, not otherwise provided, for
21 the International Joint Commission and the International
22 Boundary Commission, United States and Canada, as au-
23 thorized by treaties between the United States and Can-
24 ada or Great Britain, and the Border Environment Co-
25 operation Commission as authorized by the North Amer-

1 ican Free Trade Agreement Implementation Act (Public
2 Law 103–182), \$12,258,000: *Provided*, That of the
3 amount provided under this heading for the International
4 Joint Commission, up to \$500,000 may remain available
5 until September 30, 2018, and \$9,000 may be made avail-
6 able for representation expenses.

7 INTERNATIONAL FISHERIES COMMISSIONS

8 For necessary expenses for international fisheries
9 commissions, not otherwise provided for, as authorized by
10 law, \$37,502,000: *Provided*, That the United States share
11 of such expenses may be advanced to the respective com-
12 missions pursuant to section 3324 of title 31, United
13 States Code.

14 RELATED AGENCY

15 BROADCASTING BOARD OF GOVERNORS

16 INTERNATIONAL BROADCASTING OPERATIONS

17 For necessary expenses to enable the Broadcasting
18 Board of Governors (BBG), as authorized, to carry out
19 international communication activities, and to make and
20 supervise grants for radio, Internet, and television broad-
21 casting to the Middle East, \$762,993,000: *Provided*, That
22 in addition to amounts otherwise available for such pur-
23 poses, up to \$31,201,000 of the amount appropriated
24 under this heading may remain available until expended
25 for satellite transmissions and Internet freedom programs,

1 of which not less than \$12,500,000 shall be for Internet
2 freedom programs: *Provided further*, That of the total
3 amount appropriated under this heading, not to exceed
4 \$35,000 may be used for representation expenses, of
5 which \$10,000 may be used for such expenses within the
6 United States as authorized, and not to exceed \$30,000
7 may be used for representation expenses of Radio Free
8 Europe/Radio Liberty: *Provided further*, That the author-
9 ity provided by section 504(c) of the Foreign Relations
10 Authorization Act, Fiscal Year 2003 (Public Law 107–
11 228; 22 U.S.C. 6206 note) shall remain in effect through
12 September 30, 2017: *Provided further*, That the BBG
13 shall notify the Committees on Appropriations within 15
14 days of any determination by the BBG Board that any
15 of its broadcast entities, including its grantee organiza-
16 tions, provides an open platform for international terror-
17 ists or those who support international terrorism, or is in
18 violation of the principles and standards set forth in sub-
19 sections (a) and (b) of section 303 of the United States
20 International Broadcasting Act of 1994 (22 U.S.C. 6202)
21 or the entity’s journalistic code of ethics: *Provided further*,
22 That significant modifications to BBG broadcast hours
23 previously justified to Congress, including changes to
24 transmission platforms (shortwave, medium wave, sat-
25 ellite, Internet, and television), for all BBG language serv-

1 ices shall be subject to the regular notification procedures
 2 of the Committees on Appropriations: *Provided further*,
 3 That the BBG Board may delegate any of its authorities
 4 or duties, or those of the Director of the International
 5 Broadcasting Bureau, to a Chief Executive Officer, ap-
 6 pointed by the BBG Board, to whom all Agency employ-
 7 ees, except the BBG Board, shall report, and to whom
 8 such Board may require the head of an international
 9 broadcasting entity overseen by the BBG Board to report:
 10 *Provided further*, That in addition to funds made available
 11 under this heading, and notwithstanding any other provi-
 12 sion of law, up to \$5,000,000 in receipts from advertising
 13 and revenue from business ventures, up to \$500,000 in
 14 receipts from cooperating international organizations, and
 15 up to \$1,000,000 in receipts from privatization efforts of
 16 the Voice of America and the International Broadcasting
 17 Bureau, shall remain available until expended for carrying
 18 out authorized purposes.

19 BROADCASTING CAPITAL IMPROVEMENTS

20 For the purchase, rent, construction, repair, preser-
 21 vation, and improvement of facilities for radio, television,
 22 and digital transmission and reception; the purchase, rent,
 23 and installation of necessary equipment for radio, tele-
 24 vision, and digital transmission and reception, including
 25 to Cuba, as authorized; and physical security worldwide,

1 in addition to amounts otherwise available for such pur-
2 poses, \$9,700,000, to remain available until expended, as
3 authorized.

4 RELATED PROGRAMS

5 THE ASIA FOUNDATION

6 For a grant to The Asia Foundation, as authorized
7 by The Asia Foundation Act (22 U.S.C. 4402),
8 \$17,000,000, to remain available until expended.

9 UNITED STATES INSTITUTE OF PEACE

10 For necessary expenses of the United States Institute
11 of Peace, as authorized by the United States Institute of
12 Peace Act (22 U.S.C. 4601 et seq.), \$37,884,000, to re-
13 main available until September 30, 2018, which shall not
14 be used for construction activities.

15 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

16 TRUST FUND

17 For necessary expenses of the Center for Middle
18 Eastern-Western Dialogue Trust Fund, as authorized by
19 section 633 of the Departments of Commerce, Justice, and
20 State, the Judiciary, and Related Agencies Appropriations
21 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
22 est and earnings accruing to such Fund on or before Sep-
23 tember 30, 2017, to remain available until expended.

1 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

2 For necessary expenses of Eisenhower Exchange Fel-
3 lowships, Incorporated, as authorized by sections 4 and
4 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
5 U.S.C. 5204–5205), all interest and earnings accruing to
6 the Eisenhower Exchange Fellowship Program Trust
7 Fund on or before September 30, 2017, to remain avail-
8 able until expended: *Provided*, That none of the funds ap-
9 propriated herein shall be used to pay any salary or other
10 compensation, or to enter into any contract providing for
11 the payment thereof, in excess of the rate authorized by
12 section 5376 of title 5, United States Code; or for pur-
13 poses which are not in accordance with section 200 of title
14 2 of the Code of Federal Regulations, including the re-
15 strictions on compensation for personal services.

16 ISRAELI ARAB SCHOLARSHIP PROGRAM

17 For necessary expenses of the Israeli Arab Scholar-
18 ship Program, as authorized by section 214 of the Foreign
19 Relations Authorization Act, Fiscal Years 1992 and 1993
20 (22 U.S.C. 2452), all interest and earnings accruing to
21 the Israeli Arab Scholarship Fund on or before September
22 30, 2017, to remain available until expended.

23 EAST-WEST CENTER

24 To enable the Secretary of State to provide for car-
25 rying out the provisions of the Center for Cultural and

1 Technical Interchange Between East and West Act of
2 1960, by grant to the Center for Cultural and Technical
3 Interchange Between East and West in the State of Ha-
4 waii, \$16,700,000.

5 NATIONAL ENDOWMENT FOR DEMOCRACY

6 For grants made by the Department of State to the
7 National Endowment for Democracy, as authorized by the
8 National Endowment for Democracy Act (22 U.S.C.
9 4412), \$170,000,000, to remain available until expended,
10 of which \$117,500,000 shall be allocated in the traditional
11 and customary manner, including for the core institutes,
12 and \$52,500,000 shall be for democracy programs.

13 OTHER COMMISSIONS

14 COMMISSION FOR THE PRESERVATION OF AMERICA'S

15 HERITAGE ABROAD

16 SALARIES AND EXPENSES

17 For necessary expenses for the Commission for the
18 Preservation of America's Heritage Abroad, \$888,000, as
19 authorized by chapter 3123 of title 54, United States
20 Code: *Provided*, That the Commission may procure tem-
21 porary, intermittent, and other services notwithstanding
22 paragraph (3) of section 312304(b) of such chapter: *Pro-*
23 *vided further*, That such authority shall terminate on Oc-
24 tober 1, 2017: *Provided further*, That the Commission

1 shall notify the Committees on Appropriations prior to ex-
2 ercising such authority.

3 UNITED STATES COMMISSION ON INTERNATIONAL
4 RELIGIOUS FREEDOM
5 SALARIES AND EXPENSES

6 For necessary expenses for the United States Com-
7 mission on International Religious Freedom, as authorized
8 by title II of the International Religious Freedom Act of
9 1998 (22 U.S.C. 6431 et seq.), \$3,500,000, to remain
10 available until September 30, 2018, including not more
11 than \$4,000 for representation expenses.

12 COMMISSION ON SECURITY AND COOPERATION IN
13 EUROPE
14 SALARIES AND EXPENSES

15 For necessary expenses of the Commission on Secu-
16 rity and Cooperation in Europe, as authorized by Public
17 Law 94–304, \$2,579,000, including not more than \$4,000
18 for representation expenses, to remain available until Sep-
19 tember 30, 2018.

20 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
21 PEOPLE’S REPUBLIC OF CHINA
22 SALARIES AND EXPENSES

23 For necessary expenses of the Congressional-Execu-
24 tive Commission on the People’s Republic of China, as au-
25 thorized by title III of the U.S.-China Relations Act of

1 2000 (22 U.S.C. 6911 et seq.), \$2,000,000, including not
2 more than \$3,000 for representation expenses, to remain
3 available until September 30, 2018.

4 UNITED STATES-CHINA ECONOMIC AND SECURITY
5 REVIEW COMMISSION
6 SALARIES AND EXPENSES

7 For necessary expenses of the United States-China
8 Economic and Security Review Commission, as authorized
9 by section 1238 of the Floyd D. Spence National Defense
10 Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),
11 \$3,500,000, including not more than \$4,000 for represen-
12 tation expenses, to remain available until September 30,
13 2018: *Provided*, That the authorities, requirements, limi-
14 tations, and conditions contained in the second through
15 sixth provisos under this heading in the Department of
16 State, Foreign Operations, and Related Programs Appro-
17 priations Act, 2010 (division F of Public Law 111–117)
18 shall continue in effect during fiscal year 2017 and shall
19 apply to funds appropriated under this heading as if in-
20 cluded in this Act.

1 TITLE II
2 UNITED STATES AGENCY FOR INTERNATIONAL
3 DEVELOPMENT
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OPERATING EXPENSES

6 For necessary expenses to carry out the provisions
7 of section 667 of the Foreign Assistance Act of 1961,
8 \$1,221,925,000, of which up to \$183,289,000 may remain
9 available until September 30, 2018: *Provided*, That none
10 of the funds appropriated under this heading and under
11 the heading “Capital Investment Fund” in this title may
12 be made available to finance the construction (including
13 architect and engineering services), purchase, or long-term
14 lease of offices for use by the United States Agency for
15 International Development, unless the USAID Adminis-
16 trator has identified such proposed use of funds in a re-
17 port submitted to the Committees on Appropriations at
18 least 15 days prior to the obligation of funds for such pur-
19 poses: *Provided further*, That contracts or agreements en-
20 tered into with funds appropriated under this heading may
21 entail commitments for the expenditure of such funds
22 through the following fiscal year: *Provided further*, That
23 the authority of sections 610 and 109 of the Foreign As-
24 sistance Act of 1961 may be exercised by the Secretary
25 of State to transfer funds appropriated to carry out chap-

1 ter 1 of part I of such Act to “Operating Expenses” in
2 accordance with the provisions of those sections: *Provided*
3 *further*, That of the funds appropriated or made available
4 under this heading, not to exceed \$250,000 may be avail-
5 able for representation and entertainment expenses, of
6 which not to exceed \$5,000 may be available for entertain-
7 ment expenses, and not to exceed \$100,500 shall be for
8 official residence expenses, for USAID during the current
9 fiscal year.

10 CAPITAL INVESTMENT FUND

11 For necessary expenses for overseas construction and
12 related costs, and for the procurement and enhancement
13 of information technology and related capital investments,
14 pursuant to section 667 of the Foreign Assistance Act of
15 1961, \$66,145,000, to remain available until expended:
16 *Provided*, That this amount is in addition to funds other-
17 wise available for such purposes: *Provided further*, That
18 funds appropriated under this heading shall be available
19 subject to the regular notification procedures of the Com-
20 mittees on Appropriations.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses to carry out the provisions
23 of section 667 of the Foreign Assistance Act of 1961,
24 \$67,600,000, of which up to \$10,140,000 may remain
25 available until September 30, 2018, for the Office of In-

1 spector General of the United States Agency for Inter-
2 national Development.

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

4 For necessary expenses to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, as follows:

7 GLOBAL HEALTH PROGRAMS

8 For necessary expenses to carry out the provisions
9 of chapters 1 and 10 of part I of the Foreign Assistance
10 Act of 1961, for global health activities, in addition to
11 funds otherwise available for such purposes,
12 \$2,995,000,000, to remain available until September 30,
13 2018, and which shall be apportioned directly to the
14 United States Agency for International Development: *Pro-*
15 *vided*, That this amount shall be made available for train-
16 ing, equipment, and technical assistance to build the ca-
17 pacity of public health institutions and organizations in
18 developing countries, and for such activities as: (1) child
19 survival and maternal health programs; (2) immunization
20 and oral rehydration programs; (3) other health, nutrition,
21 water and sanitation programs which directly address the
22 needs of mothers and children, and related education pro-
23 grams; (4) assistance for children displaced or orphaned
24 by causes other than AIDS; (5) programs for the preven-
25 tion, treatment, control of, and research on HIV/AIDS,

1 tuberculosis, polio, malaria, and other infectious diseases
2 including neglected tropical diseases, and for assistance to
3 communities severely affected by HIV/AIDS, including
4 children infected or affected by AIDS; (6) disaster pre-
5 paredness training for health crises; (7) programs to pre-
6 pare for, and respond to, unanticipated and emerging
7 global health threats; and (8) family planning/reproductive
8 health: *Provided further*, That funds appropriated under
9 this paragraph may be made available for a United States
10 contribution to the GAVI Alliance: *Provided further*, That
11 none of the funds made available in this Act nor any unob-
12 ligated balances from prior appropriations Acts may be
13 made available to any organization or program which, as
14 determined by the President, supports or participates in
15 the management of a program of coercive abortion or in-
16 voluntary sterilization: *Provided further*, That any deter-
17 mination made under the previous proviso must be made
18 not later than 6 months after the date of enactment of
19 this Act, and must be accompanied by the evidence and
20 criteria utilized to make the determination: *Provided fur-*
21 *ther*, That none of the funds made available under this
22 Act may be used to pay for the performance of abortion
23 as a method of family planning or to motivate or coerce
24 any person to practice abortions: *Provided further*, That
25 nothing in this paragraph shall be construed to alter any

1 existing statutory prohibitions against abortion under sec-
2 tion 104 of the Foreign Assistance Act of 1961: *Provided*
3 *further*, That none of the funds made available under this
4 Act may be used to lobby for or against abortion: *Provided*
5 *further*, That in order to reduce reliance on abortion in
6 developing nations, funds shall be available only to vol-
7 untary family planning projects which offer, either directly
8 or through referral to, or information about access to, a
9 broad range of family planning methods and services, and
10 that any such voluntary family planning project shall meet
11 the following requirements: (1) service providers or refer-
12 ral agents in the project shall not implement or be subject
13 to quotas, or other numerical targets, of total number of
14 births, number of family planning acceptors, or acceptors
15 of a particular method of family planning (this provision
16 shall not be construed to include the use of quantitative
17 estimates or indicators for budgeting and planning pur-
18 poses); (2) the project shall not include payment of incen-
19 tives, bribes, gratuities, or financial reward to: (A) an indi-
20 vidual in exchange for becoming a family planning accep-
21 tor; or (B) program personnel for achieving a numerical
22 target or quota of total number of births, number of fam-
23 ily planning acceptors, or acceptors of a particular method
24 of family planning; (3) the project shall not deny any right
25 or benefit, including the right of access to participate in

1 any program of general welfare or the right of access to
2 health care, as a consequence of any individual's decision
3 not to accept family planning services; (4) the project shall
4 provide family planning acceptors comprehensible infor-
5 mation on the health benefits and risks of the method cho-
6 sen, including those conditions that might render the use
7 of the method inadvisable and those adverse side effects
8 known to be consequent to the use of the method; and
9 (5) the project shall ensure that experimental contracep-
10 tive drugs and devices and medical procedures are pro-
11 vided only in the context of a scientific study in which
12 participants are advised of potential risks and benefits;
13 and, not less than 60 days after the date on which the
14 USAID Administrator determines that there has been a
15 violation of the requirements contained in paragraph (1),
16 (2), (3), or (5) of this proviso, or a pattern or practice
17 of violations of the requirements contained in paragraph
18 (4) of this proviso, the Administrator shall submit to the
19 Committees on Appropriations a report containing a de-
20 scription of such violation and the corrective action taken
21 by the Agency: *Provided further*, That in awarding grants
22 for natural family planning under section 104 of the For-
23 eign Assistance Act of 1961 no applicant shall be discrimi-
24 nated against because of such applicant's religious or con-
25 scientious commitment to offer only natural family plan-

1 ning; and, additionally, all such applicants shall comply
2 with the requirements of the previous proviso: *Provided*
3 *further*, That for purposes of this or any other Act author-
4 izing or appropriating funds for the Department of State,
5 foreign operations, and related programs, the term “moti-
6 vate”, as it relates to family planning assistance, shall not
7 be construed to prohibit the provision, consistent with
8 local law, of information or counseling about all pregnancy
9 options: *Provided further*, That information provided
10 about the use of condoms as part of projects or activities
11 that are funded from amounts appropriated by this Act
12 shall be medically accurate and shall include the public
13 health benefits and failure rates of such use.

14 In addition, for necessary expenses to carry out the
15 provisions of the Foreign Assistance Act of 1961 for the
16 prevention, treatment, and control of, and research on,
17 HIV/AIDS, \$5,670,000,000, to remain available until
18 September 30, 2021, which shall be apportioned directly
19 to the Department of State: *Provided*, That funds appro-
20 priated under this paragraph may be made available, not-
21 withstanding any other provision of law, except for the
22 United States Leadership Against HIV/AIDS, Tuber-
23 culosis, and Malaria Act of 2003 (Public Law 108–25),
24 as amended, for a United States contribution to the Global
25 Fund to Fight AIDS, Tuberculosis and Malaria (Global

1 Fund), and shall be expended at the minimum rate nec-
2 essary to make timely payment for projects and activities:
3 *Provided further*, That the amount of such contribution
4 should be \$1,350,000,000: *Provided further*, That section
5 202(d)(4)(A)(i) and (vi) of Public Law 108–25, as amend-
6 ed, shall be applied with respect to such funds made avail-
7 able for fiscal years 2015 through 2017 by substituting
8 “2004” for “2009”: *Provided further*, That up to 5 per-
9 cent of the aggregate amount of funds made available to
10 the Global Fund in fiscal year 2017 may be made available
11 to USAID for technical assistance related to the activities
12 of the Global Fund, subject to the regular notification pro-
13 cedures of the Committees on Appropriations: *Provided*
14 *further*, That of the funds appropriated under this para-
15 graph, up to \$17,000,000 may be made available, in addi-
16 tion to amounts otherwise available for such purposes, for
17 administrative expenses of the Office of the United States
18 Global AIDS Coordinator.

19 DEVELOPMENT ASSISTANCE

20 For necessary expenses to carry out the provisions
21 of sections 103, 105, 106, 214, and sections 251 through
22 255, and chapter 10 of part I of the Foreign Assistance
23 Act of 1961, \$2,959,573,000, to remain available until
24 September 30, 2018.

1 INTERNATIONAL DISASTER ASSISTANCE

2 For necessary expenses to carry out the provisions
3 of section 491 of the Foreign Assistance Act of 1961 for
4 international disaster relief, rehabilitation, and recon-
5 struction assistance, \$474,763,000, to remain available
6 until expended.

7 TRANSITION INITIATIVES

8 For necessary expenses for international disaster re-
9 habilitation and reconstruction assistance, pursuant to
10 section 491 of the Foreign Assistance Act of 1961,
11 \$30,000,000, to remain available until expended, to sup-
12 port transition to democracy and long-term development
13 of countries in crisis: *Provided*, That such support may
14 include assistance to develop, strengthen, or preserve
15 democratic institutions and processes, revitalize basic in-
16 frastructure, and foster the peaceful resolution of conflict:
17 *Provided further*, That the Administrator of the United
18 States Agency for International Development shall submit
19 a report to the Committees on Appropriations at least 5
20 days prior to beginning a new program of assistance: *Pro-*
21 *vided further*, That if the Secretary of State determines
22 that it is important to the national interest of the United
23 States to provide transition assistance in excess of the
24 amount appropriated under this heading, up to
25 \$15,000,000 of the funds appropriated by this Act to

1 otherwise available for such purposes, except that such ex-
2 penses may not exceed 5 percent of the funds appropriated
3 under this heading: *Provided further*, That funds appro-
4 priated under this heading shall be subject to the regular
5 notification procedures of the Committees on Appropria-
6 tions, except that such notifications shall be transmitted
7 at least 5 days prior to the obligation of funds.

8 DEVELOPMENT CREDIT AUTHORITY

9 For the cost of direct loans and loan guarantees pro-
10 vided by the United States Agency for International De-
11 velopment, as authorized by sections 256 and 635 of the
12 Foreign Assistance Act of 1961, up to \$60,000,000 may
13 be derived by transfer from funds appropriated by this Act
14 to carry out part I of such Act and under the heading
15 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
16 *vided*, That funds provided under this paragraph and
17 funds provided as a gift that are used for purposes of this
18 paragraph pursuant to section 635(d) of the Foreign As-
19 sistance Act of 1961 shall be made available only for
20 micro- and small enterprise programs, urban programs,
21 and other programs which further the purposes of part
22 I of such Act: *Provided further*, That such costs, including
23 the cost of modifying such direct and guaranteed loans,
24 shall be as defined in section 502 of the Congressional
25 Budget Act of 1974, as amended: *Provided further*, That

1 funds made available by this paragraph may be used for
2 the cost of modifying any such guaranteed loans under
3 this Act or prior Acts making appropriations for the De-
4 partment of State, foreign operations, and related pro-
5 grams, and funds used for such costs shall be subject to
6 the regular notification procedures of the Committees on
7 Appropriations: *Provided further*, That the provisions of
8 section 107A(d) (relating to general provisions applicable
9 to the Development Credit Authority) of the Foreign As-
10 sistance Act of 1961, as contained in section 306 of H.R.
11 1486 as reported by the House Committee on Inter-
12 national Relations on May 9, 1997, shall be applicable to
13 direct loans and loan guarantees provided under this head-
14 ing, except that the principal amount of loans made or
15 guaranteed under this heading with respect to any single
16 country shall not exceed \$300,000,000: *Provided further*,
17 That these funds are available to subsidize total loan prin-
18 cipal, any portion of which is to be guaranteed, of up to
19 \$2,000,000,000.

20 In addition, for administrative expenses to carry out
21 credit programs administered by USAID, \$10,000,000,
22 which may be transferred to, and merged with, funds
23 made available under the heading “Operating Expenses”
24 in title II of this Act: *Provided*, That funds made available

1 under this heading shall remain available until September
2 30, 2019.

3 ECONOMIC SUPPORT FUND

4 For necessary expenses to carry out the provisions
5 of chapter 4 of part II of the Foreign Assistance Act of
6 1961, \$1,576,361,000, to remain available until Sep-
7 tember 30, 2018.

8 DEMOCRACY FUND

9 For necessary expenses to carry out the provisions
10 of the Foreign Assistance Act of 1961 for the promotion
11 of democracy globally, \$150,500,000, to remain available
12 until September 30, 2018.

13 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

14 For necessary expenses to carry out the provisions
15 of the Foreign Assistance Act of 1961, the FREEDOM
16 Support Act (Public Law 102–511), and the Support for
17 Eastern European Democracy (SEED) Act of 1989 (Pub-
18 lic Law 101–179), \$291,420,000, to remain available until
19 September 30, 2018, which shall be available, notwith-
20 standing any other provision of law, except section 7070
21 of this Act, for assistance and related programs for coun-
22 tries identified in section 3 of Public Law 102–511 and
23 section 3(c) of Public Law 101–179, in addition to funds
24 otherwise available for such purposes: *Provided*, That
25 funds appropriated by this Act under the heading “Global

1 Health Programs” that are made available for assistance
2 for such countries shall be administered in accordance
3 with the responsibilities of the coordinator designated pur-
4 suant to section 102 of Public Law 102–511 and section
5 601 of Public Law 101–179: *Provided further*, That the
6 Secretary of State, following consultation with the Com-
7 mittees on Appropriations, may assign responsibilities
8 under section 102(a) of Public Law 102–511 to another
9 senior Department of State official with regard to the
10 Central Asian countries identified in section 3 of such Act:
11 *Provided further*, That funds appropriated under this
12 heading shall be considered to be economic assistance
13 under the Foreign Assistance Act of 1961 for purposes
14 of making available the administrative authorities con-
15 tained in that Act for the use of economic assistance.

16 DEPARTMENT OF STATE

17 MIGRATION AND REFUGEE ASSISTANCE

18 For necessary expenses not otherwise provided for,
19 to enable the Secretary of State to carry out the provisions
20 of section 2(a) and (b) of the Migration and Refugee As-
21 sistance Act of 1962, and other activities to meet refugee
22 and migration needs; salaries and expenses of personnel
23 and dependents as authorized by the Foreign Service Act
24 of 1980; allowances as authorized by sections 5921
25 through 5925 of title 5, United States Code; purchase and

1 hire of passenger motor vehicles; and services as author-
2 ized by section 3109 of title 5, United States Code,
3 \$931,886,000, to remain available until expended, of
4 which not less than \$35,000,000 shall be made available
5 to respond to small-scale emergency humanitarian require-
6 ments, and \$7,500,000 shall be made available for refu-
7 gees resettling in Israel.

8 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
9 ASSISTANCE FUND

10 For necessary expenses to carry out the provisions
11 of section 2(c) of the Migration and Refugee Assistance
12 Act of 1962, as amended (22 U.S.C. 2601(c)),
13 \$10,000,000, to remain available until expended.

14 INDEPENDENT AGENCIES

15 PEACE CORPS

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out the provisions
18 of the Peace Corps Act (22 U.S.C. 2501 et seq.), including
19 the purchase of not to exceed five passenger motor vehicles
20 for administrative purposes for use outside of the United
21 States, \$410,000,000, of which \$5,500,000 is for the Of-
22 fice of Inspector General, to remain available until Sep-
23 tember 30, 2018: *Provided*, That the Director of the Peace
24 Corps may transfer to the Foreign Currency Fluctuations
25 Account, as authorized by section 16 of the Peace Corps

1 Act (22 U.S.C. 2515), an amount not to exceed
2 \$5,000,000: *Provided further*, That funds transferred pur-
3 suant to the previous proviso may not be derived from
4 amounts made available for Peace Corps overseas oper-
5 ations: *Provided further*, That of the funds appropriated
6 under this heading, not to exceed \$104,000 may be avail-
7 able for representation expenses, of which not to exceed
8 \$4,000 may be made available for entertainment expenses:
9 *Provided further*, That any decision to open, close, signifi-
10 cantly reduce, or suspend a domestic or overseas office or
11 country program shall be subject to prior consultation
12 with, and the regular notification procedures of, the Com-
13 mittees on Appropriations, except that prior consultation
14 and regular notification procedures may be waived when
15 there is a substantial security risk to volunteers or other
16 Peace Corps personnel, pursuant to section 7015(e) of this
17 Act: *Provided further*, That none of the funds appropriated
18 under this heading shall be used to pay for abortions: *Pro-*
19 *vided further*, That notwithstanding the previous proviso,
20 section 614 of division E of Public Law 113–76 shall
21 apply to funds appropriated under this heading.

22 MILLENNIUM CHALLENGE CORPORATION

23 For necessary expenses to carry out the provisions
24 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701
25 et seq.) (MCA), \$905,000,000, to remain available until

1 expended: *Provided*, That of the funds appropriated under
2 this heading, up to \$105,000,000 may be available for ad-
3 ministrative expenses of the Millennium Challenge Cor-
4 poration (MCC): *Provided further*, That up to 5 percent
5 of the funds appropriated under this heading may be made
6 available to carry out the purposes of section 616 of the
7 MCA for fiscal year 2017: *Provided further*, That section
8 605(e) of the MCA shall apply to funds appropriated
9 under this heading: *Provided further*, That funds appro-
10 priated under this heading may be made available for a
11 Millennium Challenge Compact entered into pursuant to
12 section 609 of the MCA only if such Compact obligates,
13 or contains a commitment to obligate subject to the avail-
14 ability of funds and the mutual agreement of the parties
15 to the Compact to proceed, the entire amount of the
16 United States Government funding anticipated for the du-
17 ration of the Compact: *Provided further*, That the MCC
18 Chief Executive Officer shall notify the Committees on Ap-
19 propriations not later than 15 days prior to commencing
20 negotiations for any country compact or threshold country
21 program; signing any such compact or threshold program;
22 or terminating or suspending any such compact or thresh-
23 old program: *Provided further*, That funds appropriated
24 under this heading by this Act and prior Acts making ap-
25 propriations for the Department of State, foreign oper-

1 ations, and related programs that are available to imple-
2 ment section 609(g) of the MCA shall be subject to the
3 regular notification procedures of the Committees on Ap-
4 propriations: *Provided further*, That no country should be
5 eligible for a threshold program after such country has
6 completed a country compact: *Provided further*, That any
7 funds that are deobligated from a Millennium Challenge
8 Compact shall be subject to the regular notification proce-
9 dures of the Committees on Appropriations prior to re-
10 obligation: *Provided further*, That notwithstanding section
11 606(a)(2) of the MCA, a country shall be a candidate
12 country for purposes of eligibility for assistance for the
13 fiscal year if the country has a per capita income equal
14 to or below the World Bank's lower middle income country
15 threshold for the fiscal year and is among the 75 lowest
16 per capita income countries as identified by the World
17 Bank; and the country meets the requirements of section
18 606(a)(1)(B) of the MCA: *Provided further*, That notwith-
19 standing section 606(b)(1) of the MCA, in addition to
20 countries described in the preceding proviso, a country
21 shall be a candidate country for purposes of eligibility for
22 assistance for the fiscal year if the country has a per cap-
23 ita income equal to or below the World Bank's lower mid-
24 dle income country threshold for the fiscal year and is not
25 among the 75 lowest per capita income countries as identi-

1 fied by the World Bank; and the country meets the re-
2 quirements of section 606(a)(1)(B) of the MCA: *Provided*
3 *further*, That any MCC candidate country under section
4 606 of the MCA with a per capita income that changes
5 in the fiscal year such that the country would be reclassi-
6 fied from a low income country to a lower middle income
7 country or from a lower middle income country to a low
8 income country shall retain its candidacy status in its
9 former income classification for the fiscal year and the 2
10 subsequent fiscal years: *Provided further*, That publication
11 in the Federal Register of a notice of availability of a copy
12 of a Compact on the MCC Web site shall be deemed, in
13 this fiscal year and each fiscal year hereafter, to satisfy
14 the requirements of section 610(b)(2) of the MCA for such
15 Compact: *Provided further*, That none of the funds made
16 available by this Act or prior Acts making appropriations
17 for the Department of State, foreign operations, and re-
18 lated programs shall be available for a threshold program
19 in a country that is not currently a candidate country:
20 *Provided further*, That of the funds appropriated under
21 this heading, not to exceed \$100,000 may be available for
22 representation and entertainment expenses, of which not
23 to exceed \$5,000 may be available for entertainment ex-
24 penses.

1 INTER-AMERICAN FOUNDATION

2 For necessary expenses to carry out the functions of
3 the Inter-American Foundation in accordance with the
4 provisions of section 401 of the Foreign Assistance Act
5 of 1969, \$22,500,000, to remain available until September
6 30, 2018: *Provided*, That of the funds appropriated under
7 this heading, not to exceed \$2,000 may be available for
8 representation expenses.

9 UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

10 For necessary expenses to carry out title V of the
11 International Security and Development Cooperation Act
12 of 1980 (Public Law 96-533), \$30,000,000, to remain
13 available until September 30, 2018, of which not to exceed
14 \$2,000 may be available for representation expenses: *Pro-*
15 *vided*, That funds made available to grantees may be in-
16 vested pending expenditure for project purposes when au-
17 thorized by the Board of Directors of the United States
18 African Development Foundation (USADF): *Provided fur-*
19 *ther*, That interest earned shall be used only for the pur-
20 poses for which the grant was made: *Provided further*,
21 That notwithstanding section 505(a)(2) of the African De-
22 velopment Foundation Act, in exceptional circumstances
23 the Board of Directors of the USADF may waive the
24 \$250,000 limitation contained in that section with respect
25 to a project and a project may exceed the limitation by

1 up to 10 percent if the increase is due solely to foreign
2 currency fluctuation: *Provided further*, That the USADF
3 shall submit a report to the Committees on Appropriations
4 after each time such waiver authority is exercised: *Pro-*
5 *vided further*, That the USADF may make rent or lease
6 payments in advance from appropriations available for
7 such purpose for offices, buildings, grounds, and quarters
8 in Africa as may be necessary to carry out its functions:
9 *Provided further*, That the USADF may maintain bank
10 accounts outside the United States Treasury and retain
11 any interest earned on such accounts, in furtherance of
12 the purposes of the African Foundation Development Act:
13 *Provided further*, That the USADF may not withdraw any
14 appropriation from the Treasury prior to the need of
15 spending such funds for program purposes.

16 DEPARTMENT OF THE TREASURY
17 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE
18 For necessary expenses to carry out the provisions
19 of section 129 of the Foreign Assistance Act of 1961,
20 \$30,103,000, to remain available until September 30,
21 2019, which shall be available notwithstanding any other
22 provision of law.

1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 DEPARTMENT OF STATE
4 INTERNATIONAL NARCOTICS CONTROL AND LAW
5 ENFORCEMENT

6 For necessary expenses to carry out section 481 of
7 the Foreign Assistance Act of 1961, \$780,819,000, to re-
8 main available until September 30, 2018: *Provided*, That
9 the provision of assistance by any other department or
10 agency of the United States Government which is com-
11 parable to assistance that may be made available under
12 this heading, but which is provided under any other provi-
13 sion of law, shall be provided only with the concurrence
14 of the Secretary of State and administered in accordance
15 with the provisions of sections 481(b) and 622(c) of the
16 Foreign Assistance Act of 1961: *Provided further*, That
17 the Department of State may use the authority of section
18 608 of the Foreign Assistance Act of 1961, without regard
19 to its restrictions, to receive excess property from an agen-
20 cy of the United States Government for the purpose of
21 providing such property to a foreign country or inter-
22 national organization under chapter 8 of part I of such
23 Act, subject to the regular notification procedures of the
24 Committees on Appropriations: *Provided further*, That sec-
25 tion 482(b) of the Foreign Assistance Act of 1961 shall

1 not apply to funds appropriated under this heading, except
2 that any funds made available notwithstanding such sec-
3 tion shall be subject to the regular notification procedures
4 of the Committees on Appropriations: *Provided further*,
5 That funds appropriated under this heading may be made
6 available to support training and technical assistance for
7 foreign law enforcement, corrections, and other judicial
8 authorities, utilizing regional partners: *Provided further*,
9 That of the funds appropriated under this heading, not
10 less than \$10,000,000 shall be made available, on a com-
11 petitive basis, for rule of law programs for transitional and
12 post-conflict states, and for activities to coordinate rule
13 of law programs among foreign governments, international
14 and nongovernmental organizations, and other United
15 States Government agencies: *Provided further*, That funds
16 made available under this heading that are transferred to
17 another department, agency, or instrumentality of the
18 United States Government pursuant to section 632(b) of
19 the Foreign Assistance Act of 1961 valued in excess of
20 \$5,000,000, and any agreement made pursuant to section
21 632(a) of such Act, shall be subject to the regular notifica-
22 tion procedures of the Committees on Appropriations.

1 Iran, in classified form if necessary, if such information
2 becomes known to the Department of State: *Provided fur-*
3 *ther*, That for the clearance of unexploded ordnance, the
4 Secretary of State should prioritize those areas where such
5 ordnance was caused by the United States: *Provided fur-*
6 *ther*, That funds made available under this heading for
7 the Nonproliferation and Disarmament Fund shall be
8 made available notwithstanding any other provision of law
9 and subject to prior consultation with, and the regular no-
10 tification procedures of, the Committees on Appropria-
11 tions, to promote bilateral and multilateral activities relat-
12 ing to nonproliferation, disarmament, and weapons de-
13 struction, and shall remain available until expended: *Pro-*
14 *vided further*, That such funds may also be used for such
15 countries other than the Independent States of the former
16 Soviet Union and international organizations when it is
17 in the national security interest of the United States to
18 do so: *Provided further*, That funds appropriated under
19 this heading may be made available for the IAEA unless
20 the Secretary of State determines that Israel is being de-
21 nied its right to participate in the activities of that Agen-
22 cy: *Provided further*, That funds made available for con-
23 ventional weapons destruction programs, including
24 demining and related activities, in addition to funds other-
25 wise available for such purposes, may be used for adminis-

1 trative expenses related to the operation and management
2 of such programs and activities, subject to the regular no-
3 tification procedures of the Committees on Appropria-
4 tions.

5 PEACEKEEPING OPERATIONS

6 For necessary expenses to carry out the provisions
7 of section 551 of the Foreign Assistance Act of 1961,
8 \$94,500,000: *Provided*, That funds appropriated under
9 this heading may be used, notwithstanding section 660 of
10 such Act, to provide assistance to enhance the capacity
11 of foreign civilian security forces, including gendarmes, to
12 participate in peacekeeping operations: *Provided further*,
13 That of the funds appropriated under this heading, not
14 less than \$44,500,000 shall be made available for a United
15 States contribution to the Multinational Force and Ob-
16 servers mission in the Sinai: *Provided further*, That none
17 of the funds appropriated under this heading shall be obli-
18 gated except as provided through the regular notification
19 procedures of the Committees on Appropriations.

20 FUNDS APPROPRIATED TO THE PRESIDENT

21 INTERNATIONAL MILITARY EDUCATION AND TRAINING

22 For necessary expenses to carry out the provisions
23 of section 541 of the Foreign Assistance Act of 1961,
24 \$109,495,000, of which up to \$4,000,000 may remain
25 available until September 30, 2018: *Provided*, That the

1 civilian personnel for whom military education and train-
2 ing may be provided under this heading may include civil-
3 ians who are not members of a government whose partici-
4 pation would contribute to improved civil-military rela-
5 tions, civilian control of the military, or respect for human
6 rights: *Provided further*, That of the funds appropriated
7 under this heading, not to exceed \$55,000 may be avail-
8 able for entertainment expenses.

9 FOREIGN MILITARY FINANCING PROGRAM

10 For necessary expenses for grants to enable the
11 President to carry out the provisions of section 23 of the
12 Arms Export Control Act, \$4,988,365,000: *Provided*,
13 That to expedite the provision of assistance to foreign
14 countries and international organizations, the Secretary of
15 State, following consultation with the Committees on Ap-
16 propriations and subject to the regular notification proce-
17 dures of such Committees, may use the funds appro-
18 priated under this heading to procure defense articles and
19 services to enhance the capacity of foreign security forces:
20 *Provided further*, That of the funds appropriated under
21 this heading, not less than \$3,400,000,000 shall be avail-
22 able for grants only for Israel, which shall be disbursed
23 within 30 days of enactment of this Act: *Provided further*,
24 That to the extent that the Government of Israel requests
25 that funds be used for such purposes, grants made avail-

1 able for Israel under this heading shall, as agreed by the
2 United States and Israel, be available for advanced weap-
3 ons systems, of which not less than \$815,300,000 shall
4 be available for the procurement in Israel of defense arti-
5 cles and defense services, including research and develop-
6 ment: *Provided further*, That none of the funds made
7 available under this heading shall be made available to
8 support or continue any program initially funded under
9 the authority of section 1206 of the National Defense Au-
10 thorization Act for Fiscal Year 2006 (Public Law 109–
11 163; 119 Stat. 3456), section 2282 of title 10, United
12 States Code, or any successor authorities, unless the Sec-
13 retary of State, in coordination with the Secretary of De-
14 fense, has justified such program to the Committees on
15 Appropriations: *Provided further*, That funds appropriated
16 or otherwise made available under this heading shall be
17 nonrepayable notwithstanding any requirement in section
18 23 of the Arms Export Control Act: *Provided further*, That
19 funds made available under this heading shall be obligated
20 upon apportionment in accordance with paragraph (5)(C)
21 of section 1501(a) of title 31, United States Code.

22 None of the funds made available under this heading
23 shall be available to finance the procurement of defense
24 articles, defense services, or design and construction serv-
25 ices that are not sold by the United States Government

1 under the Arms Export Control Act unless the foreign
2 country proposing to make such procurement has first
3 signed an agreement with the United States Government
4 specifying the conditions under which such procurement
5 may be financed with such funds: *Provided*, That all coun-
6 try and funding level increases in allocations shall be sub-
7 mitted through the regular notification procedures of sec-
8 tion 7015 of this Act: *Provided further*, That funds made
9 available under this heading may be used, notwithstanding
10 any other provision of law, for demining, the clearance of
11 unexploded ordnance, and related activities, and may in-
12 clude activities implemented through nongovernmental
13 and international organizations: *Provided further*, That
14 only those countries for which assistance was justified for
15 the “Foreign Military Sales Financing Program” in the
16 fiscal year 1989 congressional presentation for security as-
17 sistance programs may utilize funds made available under
18 this heading for procurement of defense articles, defense
19 services, or design and construction services that are not
20 sold by the United States Government under the Arms
21 Export Control Act: *Provided further*, That funds appro-
22 priated under this heading shall be expended at the min-
23 imum rate necessary to make timely payment for defense
24 articles and services: *Provided further*, That not more than
25 \$70,000,000 of the funds appropriated under this heading

1 may be obligated for necessary expenses, including the
2 purchase of passenger motor vehicles for replacement only
3 for use outside of the United States, for the general costs
4 of administering military assistance and sales, except that
5 this limitation may be exceeded only through the regular
6 notification procedures of the Committees on Appropria-
7 tions: *Provided further*, That of the funds made available
8 under this heading for general costs of administering mili-
9 tary assistance and sales, not to exceed \$4,000 may be
10 available for entertainment expenses and not to exceed
11 \$130,000 may be available for representation expenses:
12 *Provided further*, That not more than \$920,200,000 of
13 funds realized pursuant to section 21(e)(1)(A) of the Arms
14 Export Control Act may be obligated for expenses incurred
15 by the Department of Defense during fiscal year 2017
16 pursuant to section 43(b) of the Arms Export Control Act,
17 except that this limitation may be exceeded only through
18 the regular notification procedures of the Committees on
19 Appropriations.

1 TITLE V
2 MULTILATERAL ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS
5 For necessary expenses to carry out the provisions
6 of section 301 of the Foreign Assistance Act of 1961, and
7 of section 2 of the United Nations Environment Program
8 Participation Act of 1973, \$347,950,000: *Provided*, That
9 section 307(a) of the Foreign Assistance Act of 1961 shall
10 not apply to contributions to the United Nations Democ-
11 racy Fund.

12 INTERNATIONAL FINANCIAL INSTITUTIONS
13 GLOBAL ENVIRONMENT FACILITY
14 For payment to the International Bank for Recon-
15 struction and Development as trustee for the Global Envi-
16 ronment Facility by the Secretary of the Treasury,
17 \$146,563,000, to remain available until expended.

18 CONTRIBUTION TO THE GREEN CLIMATE FUND
19 For payment to the International Bank for Recon-
20 struction and Development as trustee for the Green Cli-
21 mate Fund by the Secretary of the Treasury,
22 \$263,000,000, to remain available until expended.

1 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
2 ASSOCIATION

3 For payment to the International Development Asso-
4 ciation by the Secretary of the Treasury, \$1,113,130,000,
5 to remain available until expended.

6 CONTRIBUTION TO THE INTERNATIONAL BANK FOR
7 RECONSTRUCTION AND DEVELOPMENT

8 For payment to the International Bank for Recon-
9 struction and Development by the Secretary of the Treas-
10 ury for the United States share of the paid-in portion of
11 the increases in capital stock, \$5,963,421, to remain avail-
12 able until expended.

13 CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT
14 BANK

15 For payment to the Inter-American Development
16 Bank by the Secretary of the Treasury for the United
17 States share of the paid-in portion of the increase in cap-
18 ital stock, \$21,939,727, to remain available until ex-
19 pended.

20 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

21 For payment to the Asian Development Bank's Asian
22 Development Fund by the Secretary of the Treasury,
23 \$99,233,000, to remain available until expended.

1 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

2 For payment to the African Development Bank by
3 the Secretary of the Treasury for the United States share
4 of the paid-in portion of the increase in capital stock,
5 \$32,418,000, to remain available until expended.

6 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

7 The United States Governor of the African Develop-
8 ment Bank may subscribe without fiscal year limitation
9 to the callable capital portion of the United States share
10 of such capital stock in an amount not to exceed
11 \$507,860,808.

12 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

13 For payment to the African Development Fund by
14 the Secretary of the Treasury, \$214,332,000, to remain
15 available until expended.

16 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
17 AGRICULTURAL DEVELOPMENT

18 For payment to the International Fund for Agricul-
19 tural Development by the Secretary of the Treasury,
20 \$30,000,000, to remain available until expended.

21 GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

22 For payment to the Global Agriculture and Food Se-
23 curity Program by the Secretary of the Treasury,
24 \$23,000,000, to remain available until expended.

1 CONTRIBUTION TO THE NORTH AMERICAN DEVELOPMENT
2 BANK

3 For payment to the North American Development
4 Bank by the Secretary of the Treasury for the United
5 States share of the paid-in portion of the increase in cap-
6 ital stock, \$45,000,000, to remain available until ex-
7 pended.

8 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

9 The Secretary of the Treasury may subscribe without
10 fiscal year limitation to the callable capital portion of the
11 United States share of such capital stock in an amount
12 not to exceed \$255,000,000.

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$5,700,000, to remain
8 available until September 30, 2018.

9 PROGRAM ACCOUNT

10 The Export-Import Bank of the United States is au-
11 thorized to make such expenditures within the limits of
12 funds and borrowing authority available to such corpora-
13 tion, and in accordance with law, and to make such con-
14 tracts and commitments without regard to fiscal year limi-
15 tations, as provided by section 104 of the Government
16 Corporation Control Act, as may be necessary in carrying
17 out the program for the current fiscal year for such cor-
18 poration: *Provided*, That none of the funds available dur-
19 ing the current fiscal year may be used to make expendi-
20 tures, contracts, or commitments for the export of nuclear
21 equipment, fuel, or technology to any country, other than
22 a nuclear-weapon state as defined in Article IX of the
23 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
24 ble to receive economic or military assistance under this

1 Act, that has detonated a nuclear explosive after the date
2 of the enactment of this Act.

3 ADMINISTRATIVE EXPENSES

4 For administrative expenses to carry out the direct
5 and guaranteed loan and insurance programs, including
6 hire of passenger motor vehicles and services as authorized
7 by section 3109 of title 5, United States Code, and not
8 to exceed \$30,000 for official reception and representation
9 expenses for members of the Board of Directors, not to
10 exceed \$110,000,000: *Provided*, That the Export-Import
11 Bank (the Bank) may accept, and use, payment or serv-
12 ices provided by transaction participants for legal, finan-
13 cial, or technical services in connection with any trans-
14 action for which an application for a loan, guarantee or
15 insurance commitment has been made: *Provided further*,
16 That notwithstanding subsection (b) of section 117 of the
17 Export Enhancement Act of 1992, subsection (a) thereof
18 shall remain in effect through September 30, 2017: *Pro-*
19 *vided further*, That the Bank shall charge fees for nec-
20 essary expenses (including special services performed on
21 a contract or fee basis, but not including other personal
22 services) in connection with the collection of moneys owed
23 the Bank, repossession or sale of pledged collateral or
24 other assets acquired by the Bank in satisfaction of mon-
25 eys owed the Bank, or the investigation or appraisal of

1 any property, or the evaluation of the legal, financial, or
2 technical aspects of any transaction for which an applica-
3 tion for a loan, guarantee or insurance commitment has
4 been made, or systems infrastructure directly supporting
5 transactions: *Provided further*, That in addition to other
6 funds appropriated for administrative expenses, such fees
7 shall be credited to this account for such purposes, to re-
8 main available until expended.

9 RECEIPTS COLLECTED

10 Receipts collected pursuant to the Export-Import
11 Bank Act of 1945, as amended, and the Federal Credit
12 Reform Act of 1990, as amended, in an amount not to
13 exceed the amount appropriated herein, shall be credited
14 as offsetting collections to this account: *Provided*, That the
15 sums herein appropriated from the General Fund shall be
16 reduced on a dollar-for-dollar basis by such offsetting col-
17 lections so as to result in a final fiscal year appropriation
18 from the General Fund estimated at \$0: *Provided further*,
19 That amounts collected in fiscal year 2017 in excess of
20 obligations, up to \$10,000,000 shall become available on
21 September 1, 2017, and shall remain available until Sep-
22 tember 30, 2020.

1 modifying such loans, shall be as defined in section 502
2 of the Congressional Budget Act of 1974: *Provided fur-*
3 *ther*, That such sums shall be available for direct loan obli-
4 gations and loan guaranty commitments incurred or made
5 during fiscal years 2017, 2018, and 2019: *Provided fur-*
6 *ther*, That funds so obligated in fiscal year 2017 remain
7 available for disbursement through 2025; funds obligated
8 in fiscal year 2018 remain available for disbursement
9 through 2026; and funds obligated in fiscal year 2019 re-
10 main available for disbursement through 2027: *Provided*
11 *further*, That notwithstanding any other provision of law,
12 the Overseas Private Investment Corporation is authorized
13 to undertake any program authorized by title IV of chap-
14 ter 2 of part I of the Foreign Assistance Act of 1961 in
15 Iraq: *Provided further*, That funds made available pursu-
16 ant to the authority of the previous proviso shall be subject
17 to the regular notification procedures of the Committees
18 on Appropriations.

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

1 TRADE AND DEVELOPMENT AGENCY

2 For necessary expenses to carry out the provisions
3 of section 661 of the Foreign Assistance Act of 1961,
4 \$80,700,000, to remain available until September 30,
5 2018: *Provided*, That of the funds appropriated under this
6 heading, not more than \$5,000 may be available for rep-
7 resentation and entertainment expenses.

1 TITLE VII
2 GENERAL PROVISIONS
3 ALLOWANCES AND DIFFERENTIALS
4 SEC. 7001. Funds appropriated under title I of this
5 Act shall be available, except as otherwise provided, for
6 allowances and differentials as authorized by subchapter
7 59 of title 5, United States Code; for services as author-
8 ized by section 3109 of such title and for hire of passenger
9 transportation pursuant to section 1343(b) of title 31,
10 United States Code.

11 UNOBLIGATED BALANCES REPORT
12 SEC. 7002. Any department or agency of the United
13 States Government to which funds are appropriated or
14 otherwise made available by this Act shall provide to the
15 Committees on Appropriations a quarterly accounting of
16 cumulative unobligated balances and obligated, but unex-
17 pended, balances by program, project, and activity, and
18 Treasury Account Fund Symbol of all funds received by
19 such department or agency in fiscal year 2017 or any pre-
20 vious fiscal year, disaggregated by fiscal year: *Provided,*
21 That the report required by this section should specify by
22 account the amount of funds obligated pursuant to bilat-
23 eral agreements which have not been further sub-obli-
24 gated.

1 CONSULTING SERVICES

2 SEC. 7003. The expenditure of any appropriation
3 under title I of this Act for any consulting service through
4 procurement contract, pursuant to section 3109 of title
5 5, United States Code, shall be limited to those contracts
6 where such expenditures are a matter of public record and
7 available for public inspection, except where otherwise pro-
8 vided under existing law, or under existing Executive
9 Order issued pursuant to existing law.

10 DIPLOMATIC FACILITIES

11 SEC. 7004. (a) CAPITAL SECURITY COST SHAR-
12 ING.—Of funds provided under title I of this Act, except
13 as provided in subsection (b), a project to construct a
14 United States diplomatic facility may not include office
15 space or other accommodations for an employee of a Fed-
16 eral department or agency if the Secretary of State deter-
17 mines and reports to the Committees on Appropriations
18 that such department or agency has not provided to the
19 Department of State the full amount of funding required
20 by subsection (e) of section 604 of the Secure Embassy
21 Construction and Counterterrorism Act of 1999 (as en-
22 acted into law by section 1000(a)(7) of Public Law 106-
23 113 and contained in appendix G of that Act; 113 Stat.
24 1501A-453), as amended by section 629 of the Depart-
25 ments of Commerce, Justice, and State, the Judiciary, and

1 Related Agencies Appropriations Act, 2005: *Provided*,
2 That the Secretary of State shall promptly inform such
3 Committees of each instance in which a Federal depart-
4 ment or agency is delinquent in providing the full amount
5 of funding required by subsection (e) of section 604 of
6 such Act during a fiscal year.

7 (b) EXCEPTION.—Notwithstanding the prohibition in
8 subsection (a), a project to construct a United States dip-
9 lomatic facility may include office space or other accom-
10 modations for members of the United States Marine
11 Corps.

12 (c) NEW DIPLOMATIC FACILITIES.—For the pur-
13 poses of calculating the fiscal year 2017 costs of providing
14 new United States diplomatic facilities in accordance with
15 section 604(e) of the Secure Embassy Construction and
16 Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the
17 Secretary of State, in consultation with the Director of
18 the Office of Management and Budget, shall determine the
19 annual program level and agency shares in a manner that
20 is proportional to the contribution of the Department of
21 State for this purpose.

22 (d) CONSULTATION AND NOTIFICATION REQUIRE-
23 MENTS.—Funds appropriated by this Act and prior Acts
24 making appropriations for the Department of State, for-
25 eign operations, and related programs, which may be made

1 available for the acquisition of property or award of con-
2 struction contracts for overseas United States diplomatic
3 facilities during fiscal year 2017, shall be subject to prior
4 consultation with, and the regular notification procedures
5 of, the Committees on Appropriations: *Provided*, That no-
6 tifications pursuant to this subsection shall include the in-
7 formation enumerated under the heading “Embassy Secu-
8 rity, Construction, and Maintenance” in the report accom-
9 panying this Act: *Provided further*, That any such notifica-
10 tion for a new diplomatic facility justified to the Commit-
11 tees on Appropriations in Appendix 1 of the Congressional
12 Budget Justification, Department of State, Diplomatic
13 Engagement, Fiscal Year 2017, or not previously justified
14 to such Committees, shall also include confirmation that
15 the Department of State has completed the requisite value
16 engineering studies required pursuant to OMB Circular
17 A–131, Value Engineering December 31, 2013 and the
18 Bureau of Overseas Building Operations Policy and Pro-
19 cedure Directive, P&PD, Cost 02: Value Engineering.

20 (e) INTERIM AND TEMPORARY FACILITIES
21 ABROAD.—

22 (1) Funds appropriated by this Act under the
23 heading “Embassy Security, Construction, and
24 Maintenance” may be made available to address se-
25 curity vulnerabilities at interim and temporary

1 United States diplomatic facilities abroad, including
2 physical security upgrades and local guard staffing,
3 except that the amount of funds made available for
4 such purposes from this Act and prior Acts making
5 appropriations for the Department of State, foreign
6 operations, and related programs shall be a min-
7 imum of \$25,000,000: *Provided*, That the uses of
8 such funds should be the responsibility of the Assist-
9 ant Secretary for Diplomatic Security and Foreign
10 Missions, Department of State, in consultation with
11 the Director of the Bureau of Overseas Buildings
12 Operations, Department of State: *Provided further*,
13 That such funds shall be subject to prior consulta-
14 tion with the Committees on Appropriations.

15 (2) Notwithstanding any other provision of law,
16 the opening, closure, or any significant modification
17 to an interim or temporary United States diplomatic
18 facility shall be subject to prior consultation with the
19 appropriate congressional committees and the reg-
20 ular notification procedures of the Committees on
21 Appropriations, except that such consultation and
22 notification may be waived if there is a security risk
23 to personnel.

24 (f) TRANSFER OF FUNDS.—Funds appropriated
25 under the heading “Diplomatic and Consular Programs”,

1 including for Worldwide Security Protection, and under
2 the heading “Embassy Security, Construction, and Main-
3 tenance” in titles I and VIII of this Act may be trans-
4 ferred to, and merged with, funds appropriated by such
5 titles under such headings if the Secretary of State deter-
6 mines and reports to the Committees on Appropriations
7 that to do so is necessary to implement the recommenda-
8 tions of the Benghazi Accountability Review Board, or to
9 prevent or respond to security situations and require-
10 ments, following consultation with, and subject to the reg-
11 ular notification procedures of, such Committees: *Pro-*
12 *vided*, That such transfer authority is in addition to any
13 transfer authority otherwise available under any other pro-
14 vision of law.

15 (g) SOFT TARGETS.—Funds appropriated by this Act
16 and prior Acts making appropriations for the Department
17 of State, foreign operations, and related programs under
18 the heading “Embassy Security, Construction, and Main-
19 tenance” and made available for salary and benefit costs
20 for employees of the Bureau of Overseas Building Oper-
21 ations, Department of State, that remain unobligated
22 after the end of the fiscal year in which such funds were
23 appropriated shall be transferred to the Worldwide Secu-
24 rity Upgrades-Compound Security Program under such
25 heading for physical security upgrades of soft targets: *Pro-*

1 *vided*, That such funds shall be in addition to funds other-
2 wise available for physical security upgrades of soft tar-
3 gets for fiscal years 2017 and 2018: *Provided further*,
4 That amounts made available pursuant to this paragraph
5 from prior Acts making appropriations for the Depart-
6 ment of State, foreign operations, and related programs
7 that were previously designated by the Congress for Over-
8 seas Contingency Operations/Global War on Terrorism
9 pursuant to section 251(b)(2)(A)(ii) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985 are
11 designated by the Congress for Overseas Contingency Op-
12 erations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of such Act.

14 PERSONNEL ACTIONS

15 SEC. 7005. Any costs incurred by a department or
16 agency funded under title I of this Act resulting from per-
17 sonnel actions taken in response to funding reductions in-
18 cluded in this Act shall be absorbed within the total budg-
19 etary resources available under title I to such department
20 or agency: *Provided*, That the authority to transfer funds
21 between appropriations accounts as may be necessary to
22 carry out this section is provided in addition to authorities
23 included elsewhere in this Act: *Provided further*, That use
24 of funds to carry out this section shall be treated as a
25 reprogramming of funds under section 7015 of this Act.

LOCAL GUARD PROGRAMS

1
2 SEC. 7006. (a) CONTRACTS.—In evaluating proposals
3 for local guard contracts, the Secretary of State shall
4 award contracts in accordance with section 136 of the
5 Foreign Relations Authorization Act, Fiscal Years 1990
6 and 1991 (22 U.S.C. 4864), except that the Secretary
7 may grant authorization to award such contracts on the
8 basis of best value as determined by a cost-technical trade-
9 off analysis (as described in Federal Acquisition Regula-
10 tion part 15.101), notwithstanding subsection (c)(3) of
11 such section: *Provided*, That the authority in this section
12 shall apply to any options for renewal that may be exer-
13 cised under such contracts that are awarded during the
14 current fiscal year.

15 (b) STRENGTHENING OVERSIGHT.—Of the funds ap-
16 propriated by this Act and prior Acts making appropria-
17 tions for the Department of State, foreign operations, and
18 related programs under the heading “Diplomatic and Con-
19 sular Programs” for Worldwide Security Protection, not
20 less than \$8,500,000 shall be made available to strengthen
21 oversight of the local guard force at a critical post abroad
22 through the use of United States Government employees
23 or contractors, who are United States citizens: *Provided*,
24 That such funds are in addition to funds available by the
25 Act for such purposes: *Provided further*, That the annual

1 operating costs associated with sustaining such oversight
2 in subsequent fiscal years shall be borne through the
3 International Cooperative Administrative Support Services
4 program: *Provided further*, That the Secretary of State
5 shall consult with the Committees on Appropriations prior
6 to the obligation of funds made available pursuant to this
7 subsection: *Provided further*, That amounts made available
8 pursuant to this paragraph from prior Acts making appro-
9 priations for the Department of State, foreign operations,
10 and related programs that were previously designated by
11 the Congress for Overseas Contingency Operations/Global
12 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985 are designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of such Act.

17 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
18 COUNTRIES

19 SEC. 7007. None of the funds appropriated or other-
20 wise made available pursuant to titles III through VI of
21 this Act shall be obligated or expended to finance directly
22 any assistance or reparations for the governments of
23 Cuba, North Korea, Iran, or Syria: *Provided*, That for
24 purposes of this section, the prohibition on obligations or

1 expenditures shall include direct loans, credits, insurance,
 2 and guarantees of the Export-Import Bank or its agents.

3 COUPS D'ÉTAT

4 SEC. 7008. None of the funds appropriated or other-
 5 wise made available pursuant to titles III 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 d'état or decree or, after the date of enactment of
 10 this Act, a coup d'état or decree in which the military
 11 plays a decisive role: *Provided*, That assistance may be re-
 12 sumed to such government if the Secretary of State cer-
 13 tifies and reports to the appropriate congressional commit-
 14 tees that subsequent to the termination of assistance a
 15 democratically elected government has taken office: *Pro-*
 16 *vided further*, That the provisions of this section shall not
 17 apply to assistance to promote democratic elections or
 18 public participation in democratic processes: *Provided fur-*
 19 *ther*, That funds made available pursuant to the previous
 20 provisos shall be subject to the regular notification proce-
 21 dures of the Committees on Appropriations.

22 TRANSFER OF FUNDS

23 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
 24 CASTING BOARD OF GOVERNORS.—

1 (1) Not to exceed 5 percent of any appropria-
2 tion made available for the current fiscal year for
3 the Department of State under title I of this Act
4 may be transferred between, and merged with, such
5 appropriations, but no such appropriation, except as
6 otherwise specifically provided, shall be increased by
7 more than 10 percent by any such transfers, and no
8 such transfer may be made to increase the appro-
9 priation under the heading “Representation Ex-
10 penses”.

11 (2) Not to exceed 5 percent of any appropria-
12 tion made available for the current fiscal year for
13 the Broadcasting Board of Governors under title I
14 of this Act may be transferred between, and merged
15 with, such appropriations, but no such appropria-
16 tion, except as otherwise specifically provided, shall
17 be increased by more than 10 percent by any such
18 transfers.

19 (3) Any transfer pursuant to this subsection
20 shall be treated as a reprogramming of funds under
21 section 7015 of this Act and shall not be available
22 for obligation or expenditure except in compliance
23 with the procedures set forth in that section.

24 (b) TITLE VI TRANSFER OF FUNDS.—Not to exceed
25 5 percent of any appropriation other than for administra-

1 tive expenses made available for fiscal year 2017, for pro-
2 grams under title VI of this Act may be transferred be-
3 tween such appropriations for use for any of the purposes,
4 programs, and activities for which the funds in such re-
5 ceiving account may be used, but no such appropriation,
6 except as otherwise specifically provided, shall be increased
7 by more than 25 percent by any such transfer: *Provided*,
8 That the exercise of such authority shall be subject to the
9 regular notification procedures of the Committees on Ap-
10 propriations.

11 (c) LIMITATION ON TRANSFERS OF FUNDS BE-
12 TWEEN AGENCIES.—

13 (1) None of the funds made available under ti-
14 tles II through V of this Act may be transferred to
15 any department, agency, or instrumentality of the
16 United States Government, except pursuant to a
17 transfer made by, or transfer authority provided in,
18 this Act or any other appropriations Act.

19 (2) Notwithstanding paragraph (1), in addition
20 to transfers made by, or authorized elsewhere in,
21 this Act, funds appropriated by this Act to carry out
22 the purposes of the Foreign Assistance Act of 1961
23 may be allocated or transferred to agencies of the
24 United States Government pursuant to the provi-

1 sions of sections 109, 610, and 632 of the Foreign
2 Assistance Act of 1961.

3 (3) Any agreement entered into by the United
4 States Agency for International Development or the
5 Department of State with any department, agency,
6 or instrumentality of the United States Government
7 pursuant to section 632(b) of the Foreign Assistance
8 Act of 1961 valued in excess of \$1,000,000 and any
9 agreement made pursuant to section 632(a) of such
10 Act, with funds appropriated by this Act or prior
11 Acts making appropriations for the Department of
12 State, foreign operations, and related programs
13 under the headings “Global Health Programs”, “De-
14 velopment Assistance”, “Economic Support Fund”,
15 and “Assistance for Europe, Eurasia and Central
16 Asia” shall be subject to the regular notification pro-
17 cedures of the Committees on Appropriations: *Pro-*
18 *vided*, That the requirement in the previous sentence
19 shall not apply to agreements entered into between
20 USAID and the Department of State.

21 (d) TRANSFER OF FUNDS.—None of the funds made
22 available under titles II through V of this Act may be obli-
23 gated under an appropriations account to which such
24 funds were not appropriated, except for transfers specifi-
25 cally provided for in this Act, unless the President, not

1 less than 5 days prior to the exercise of any authority con-
2 tained in the Foreign Assistance Act of 1961 to transfer
3 funds, consults with and provides a written policy jus-
4 tification to the Committees on Appropriations.

5 (e) AUDIT OF INTER-AGENCY TRANSFERS OF
6 FUNDS.—Any agreement for the transfer or allocation of
7 funds appropriated by this Act or prior Acts making ap-
8 propriations for the Department of State, foreign oper-
9 ations and related programs, entered into between the De-
10 partment of State or USAID and another agency of the
11 United States Government under the authority of section
12 632(a) of the Foreign Assistance Act of 1961 or any com-
13 parable provision of law, shall expressly provide that the
14 Inspector General (IG) for the agency receiving the trans-
15 fer or allocation of such funds, or other entity with audit
16 responsibility if the receiving agency does not have an IG,
17 shall perform periodic program and financial audits of the
18 use of such funds and report to the Department of State
19 or USAID, as appropriate, upon completion of such au-
20 dits: *Provided*, That such audits shall be transmitted to
21 the Committees on Appropriations by the Department of
22 State or USAID, as appropriate: *Provided further*, That
23 funds transferred under such authority may be made
24 available for the cost of such audits.

1 PROHIBITION ON FIRST-CLASS TRAVEL

2 SEC. 7010. None of the funds made available in this
3 Act may be used for first-class travel by employees of de-
4 partments and agencies funded by this Act in contraven-
5 tion of sections 301–10.122 through 301–10.124 of title
6 41, Code of Federal Regulations.

7 AVAILABILITY OF FUNDS

8 SEC. 7011. No part of any appropriation contained
9 in this Act shall remain available for obligation after the
10 expiration of the current fiscal year unless expressly so
11 provided by this Act: *Provided*, That funds appropriated
12 for the purposes of chapters 1 and 8 of part I, section
13 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign
14 Assistance Act of 1961, section 23 of the Arms Export
15 Control Act, and funds provided under the headings “De-
16 velopment Credit Authority” and “Assistance for Europe,
17 Eurasia and Central Asia” shall remain available for an
18 additional 4 years from the date on which the availability
19 of such funds would otherwise have expired, if such funds
20 are initially obligated before the expiration of their respec-
21 tive periods of availability contained in this Act: *Provided*
22 *further*, That notwithstanding any other provision of this
23 Act, any funds made available for the purposes of chapter
24 1 of part I and chapter 4 of part II of the Foreign Assist-
25 ance Act of 1961 which are allocated or obligated for cash

1 disbursements in order to address balance of payments or
2 economic policy reform objectives, shall remain available
3 for an additional 4 years from the date on which the avail-
4 ability of such funds would otherwise have expired, if such
5 funds are initially allocated or obligated before the expira-
6 tion of their respective periods of availability contained in
7 this Act: *Provided further*, That the Secretary of State
8 shall provide a report to the Committees on Appropria-
9 tions not later than October 30, 2017, detailing by ac-
10 count and source year, the use of this authority during
11 the previous fiscal year.

12 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

13 SEC. 7012. No part of any appropriation provided
14 under titles III through VI in this Act shall be used to
15 furnish assistance to the government of any country which
16 is in default during a period in excess of 1 calendar year
17 in payment to the United States of principal or interest
18 on any loan made to the government of such country by
19 the United States pursuant to a program for which funds
20 are appropriated under this Act unless the President de-
21 termines, following consultations with the Committees on
22 Appropriations, that assistance for such country is in the
23 national interest of the United States.

1 and allocated for the central government of such country
2 or for the West Bank and Gaza program if, not later than
3 September 30, 2018, such taxes have not been reimbursed:
4 *Provided*, That the Secretary of State shall report to the
5 Committees on Appropriations by such date on the foreign
6 governments and entities that have not reimbursed such
7 taxes and the amount of funds withheld.

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

11 (d) REPROGRAMMING OF FUNDS.—Funds withheld
12 from obligation for each foreign government or entity pur-
13 suant to subsection (b) shall be reprogrammed for assist-
14 ance for countries which do not assess taxes on United
15 States assistance or which have an effective arrangement
16 that is providing substantial reimbursement of such taxes,
17 and that can reasonably accommodate such assistance in
18 a programmatically responsible manner.

19 (e) DETERMINATIONS.—

20 (1) The provisions of this section shall not
21 apply to any foreign government or entity that as-
22 sesses such taxes if the Secretary of State reports to
23 the Committees on Appropriations that—

1 (A) such foreign government or entity has
2 an effective arrangement that is providing sub-
3 stantial reimbursement of such taxes; or

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

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

12 (f) IMPLEMENTATION.—The Secretary of State shall
13 issue rules, regulations, or policy guidance, as appropriate,
14 to implement the prohibition against the taxation of assist-
15 ance contained in this section, and provide such rules, reg-
16 ulations, or policy guidance to the Committees on Appro-
17 priations.

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

19 (1) the term “bilateral agreement” refers to a
20 framework bilateral agreement between the Govern-
21 ment of the United States and the government of
22 the country receiving assistance that describes the
23 privileges and immunities applicable to United
24 States foreign assistance for such country generally,
25 or an individual agreement between the Government

1 of the United States and such government that de-
2 scribes, among other things, the treatment for tax
3 purposes that will be accorded the United States as-
4 sistance provided under that agreement; and

5 (2) the term “taxes and taxation” shall include
6 value added taxes and customs duties but shall not
7 include individual income taxes assessed to local
8 staff.

9 (h) REPORT.—The Secretary of State, in consultation
10 with the heads of other relevant departments or agencies
11 of the United States Government, shall submit a report
12 to the Committees on Appropriations, not later than 90
13 days after the enactment of this Act, detailing steps taken
14 by such departments or agencies to comply with the re-
15 quirements of this section.

16 RESERVATIONS OF FUNDS

17 SEC. 7014. (a) REPROGRAMMING.—Funds appro-
18 priated under titles III through VI of this Act which are
19 specifically designated may be reprogrammed for other
20 programs within the same account notwithstanding the
21 designation if compliance with the designation is made im-
22 possible by operation of any provision of this or any other
23 Act: *Provided*, That any such reprogramming shall be sub-
24 ject to the regular notification procedures of the Commit-
25 tees on Appropriations: *Provided further*, That assistance

1 that is reprogrammed pursuant to this subsection shall be
2 made available under the same terms and conditions as
3 originally provided.

4 (b) EXTENSION OF AVAILABILITY.—In addition to
5 the authority contained in subsection (a), the original pe-
6 riod of availability of funds appropriated by this Act and
7 administered by the Department of State or the United
8 States Agency for International Development that are spe-
9 cifically designated for particular programs or activities by
10 this or any other Act may be extended for an additional
11 fiscal year if the Secretary of State or the USAID Admin-
12 istrator, as appropriate, determines and reports promptly
13 to the Committees on Appropriations that the termination
14 of assistance to a country or a significant change in cir-
15 cumstances makes it unlikely that such designated funds
16 can be obligated during the original period of availability:
17 *Provided*, That such designated funds that continue to be
18 available for an additional fiscal year shall be obligated
19 only for the purpose of such designation.

20 (c) OTHER ACTS.—Ceilings and specifically des-
21 igned funding levels contained in this Act shall not be
22 applicable to funds or authorities appropriated or other-
23 wise made available by any subsequent Act unless such
24 Act specifically so directs: *Provided*, That specifically des-
25 igned funding levels or minimum funding requirements

1 contained in any other Act shall not be applicable to funds
2 appropriated by this Act.

3 NOTIFICATION REQUIREMENTS

4 SEC. 7015. (a) NOTIFICATION OF CHANGES IN PRO-
5 GRAMS, PROJECTS, AND ACTIVITIES.—None of the funds
6 made available in titles I and II of this Act or prior Acts
7 making appropriations for the Department of State, for-
8 eign operations, and related programs to the departments
9 and agencies funded by this Act that remain available for
10 obligation in fiscal year 2017, or provided from any ac-
11 counts in the Treasury of the United States derived by
12 the collection of fees or of currency reflows or other offset-
13 ting collections, or made available by transfer, to the de-
14 partments and agencies funded by this Act, shall be avail-
15 able for obligation to—

- 16 (1) create new programs;
- 17 (2) eliminate a program, project, or activity;
- 18 (3) close, suspend, open, or reopen a mission or
19 post;
- 20 (4) create, close, reorganize, or rename bureaus,
21 centers, or offices; or
- 22 (5) contract out or privatize any functions or
23 activities presently performed by Federal employees;

1 unless previously justified to the Committees on Appro-
2 priations or such Committees are notified 15 days in ad-
3 vance of such obligation.

4 (b) NOTIFICATION OF REPROGRAMMING OF
5 FUNDS.—None of the funds provided under titles I and
6 II of this Act or prior Acts making appropriations for the
7 Department of State, foreign operations, and related pro-
8 grams, to the departments and agencies funded under ti-
9 tles I and II of this Act that remain available for obliga-
10 tion in fiscal year 2017, or provided from any accounts
11 in the Treasury of the United States derived by the collec-
12 tion of fees available to the department and agency funded
13 under title I of this Act, shall be available for obligation
14 or expenditure for activities, programs, or projects
15 through a reprogramming of funds in excess of
16 \$1,000,000 or 10 percent, whichever is less, that—

17 (1) augments or changes existing programs,
18 projects, or activities;

19 (2) relocates an existing office or employees;

20 (3) reduces by 10 percent funding for any exist-
21 ing program, project, or activity, or numbers of per-
22 sonnel by 10 percent as approved by Congress; or

23 (4) results from any general savings, including
24 savings from a reduction in personnel, which would

1 result in a change in existing programs, activities, or
2 projects as approved by Congress;
3 unless the Committees on Appropriations are notified 15
4 days in advance of such reprogramming of funds.

5 (c) NOTIFICATION REQUIREMENT.—None of the
6 funds made available by this Act under the headings
7 “Global Health Programs”, “Development Assistance”,
8 “International Organizations and Programs”, “Trade and
9 Development Agency”, “International Narcotics Control
10 and Law Enforcement”, “Economic Support Fund”, “De-
11 mocracy Fund”, “Assistance for Europe, Eurasia and
12 Central Asia”, “Peacekeeping Operations”, “Non-
13 proliferation, Anti-terrorism, Demining and Related Pro-
14 grams”, “Millennium Challenge Corporation”, “Foreign
15 Military Financing Program”, “International Military
16 Education and Training”, and “Peace Corps”, shall be
17 available for obligation for activities, programs, projects,
18 type of materiel assistance, countries, or other operations
19 not justified or in excess of the amount justified to the
20 Committees on Appropriations for obligation under any of
21 these specific headings unless the Committees on Appro-
22 priations are notified 15 days in advance: *Provided*, That
23 the President shall not enter into any commitment of
24 funds appropriated for the purposes of section 23 of the
25 Arms Export Control Act for the provision of major de-

1 fense equipment, other than conventional ammunition, or
2 other major defense items defined to be aircraft, ships,
3 missiles, or combat vehicles, not previously justified to
4 Congress or 20 percent in excess of the quantities justified
5 to Congress unless the Committees on Appropriations are
6 notified 15 days in advance of such commitment: *Provided*
7 *further*, That requirements of this subsection or any simi-
8 lar provision of this or any other Act shall not apply to
9 any reprogramming for an activity, program, or project
10 for which funds are appropriated under titles III through
11 VI of this Act of less than 10 percent of the amount pre-
12 viously justified to Congress for obligation for such activ-
13 ity, program, or project for the current fiscal year.

14 (d) NOTIFICATION OF TRANSFER OF FUNDS.—Not-
15 withstanding any other provision of law, with the excep-
16 tion of funds transferred to, and merged with, funds ap-
17 propriated under title I of this Act, funds transferred by
18 the Department of Defense to the Department of State
19 and the United States Agency for International Develop-
20 ment for assistance for foreign countries and international
21 organizations, and funds made available for programs pre-
22 viously authorized under section 1206 of the National De-
23 fense Authorization Act for Fiscal Year 2006 (Public Law
24 109–163) section 2282 of title 10, United States Code,
25 or any successor authorities, shall be subject to the regular

1 notification procedures of the Committees on Appropria-
2 tions.

3 (e) WAIVER.—The requirements of this section or
4 any similar provision of this Act or any other Act, includ-
5 ing any prior Act requiring notification in accordance with
6 the regular notification procedures of the Committees on
7 Appropriations, may be waived if failure to do so would
8 pose a substantial risk to human health or welfare: *Pro-*
9 *vided*, That in case of any such waiver, notification to the
10 Committees on Appropriations shall be provided as early
11 as practicable, but in no event later than 3 days after tak-
12 ing the action to which such notification requirement was
13 applicable, in the context of the circumstances necessi-
14 tating such waiver: *Provided further*, That any notification
15 provided pursuant to such a waiver shall contain an expla-
16 nation of the emergency circumstances.

17 (f) COUNTRY NOTIFICATION REQUIREMENTS.—None
18 of the funds appropriated under titles III through VI of
19 this Act may be obligated or expended for assistance for
20 Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Colom-
21 bia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guate-
22 mala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mex-
23 ico, Pakistan, the Russian Federation, Somalia, South
24 Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela,
25 Yemen, and Zimbabwe except as provided through the reg-

1 ular notification procedures of the Committees on Appro-
2 priations.

3 (g) PROGRAM NOTIFICATION REQUIREMENTS.—

4 Funds appropriated by this Act that are made available
5 for the Counterterrorism Partnerships Fund and the
6 Power Africa initiative shall be subject to the regular noti-
7 fication procedures of the Committees on Appropriations.

8 (h) PILOT PROGRAM NOTIFICATION REQUIRE-

9 MENT.—Funds appropriated under Title I of this Act
10 under the heading “Diplomatic and Consular Programs”
11 that are made available for a pilot program for lateral
12 entry into the Foreign Service, if authorized, shall be sub-
13 ject to prior consultation with, and the regular notification
14 procedures of, the Committees on Appropriations.

15 (i) WITHHOLDING OF FUNDS.—Funds appropriated

16 by this Act under titles III and IV that are withheld from
17 obligation or otherwise not programmed as a result of ap-
18 plication of a provision of law in this or any other Act
19 shall, if reprogrammed, be subject to the regular notifica-
20 tion procedures of the Committees on Appropriations.

21 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

22 SEC. 7016. Prior to providing excess Department of
23 Defense articles in accordance with section 516(a) of the
24 Foreign Assistance Act of 1961, the Department of De-
25 fense shall notify the Committees on Appropriations to the

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

16 LIMITATION ON AVAILABILITY OF FUNDS FOR
17 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

18 SEC. 7017. Subject to the regular notification proce-
19 dures of the Committees on Appropriations, funds appro-
20 priated under titles I and III through V of this Act, which
21 are returned or not made available for organizations and
22 programs because of the implementation of section 307(a)
23 of the Foreign Assistance Act of 1961 or section 7048(a)
24 of this Act, shall remain available for obligation until Sep-
25 tember 30, 2019: *Provided*, That the requirement to with-

1 hold funds for programs in Burma under section 307(a)
2 of the Foreign Assistance Act of 1961 shall not apply to
3 funds appropriated by this Act.

4 PROHIBITION ON FUNDING FOR ABORTIONS AND
5 INVOLUNTARY STERILIZATION

6 SEC. 7018. None of the funds made available to carry
7 out part I of the Foreign Assistance Act of 1961, as
8 amended, may be used to pay for the performance of abor-
9 tions as a method of family planning or to motivate or
10 coerce any person to practice abortions. None of the funds
11 made available to carry out part I of the Foreign Assist-
12 ance Act of 1961, as amended, may be used to pay for
13 the performance of involuntary sterilization as a method
14 of family planning or to coerce or provide any financial
15 incentive to any person to undergo sterilizations. None of
16 the funds made available to carry out part I of the Foreign
17 Assistance Act of 1961, as amended, may be used to pay
18 for any biomedical research which relates in whole or in
19 part, to methods of, or the performance of, abortions or
20 involuntary sterilization as a means of family planning.
21 None of the funds made available to carry out part I of
22 the Foreign Assistance Act of 1961, as amended, may be
23 obligated or expended for any country or organization if
24 the President certifies that the use of these funds by any
25 such country or organization would violate any of the

1 above provisions related to abortions and involuntary steri-
2 lizations.

3 ALLOCATIONS

4 SEC. 7019. (a) ALLOCATION TABLES.—Subject to
5 subsection (b), funds appropriated by this Act under titles
6 III through V shall be made available in the amounts spe-
7 cifically designated in the respective tables included in the
8 report accompanying this Act: *Provided*, That such des-
9 ignated amounts for foreign countries and international
10 organizations shall serve as the amounts for such coun-
11 tries and international organizations transmitted to Con-
12 gress in the report required by section 653(a) of the For-
13 eign Assistance Act of 1961.

14 (b) AUTHORIZED DEVIATIONS.—Unless otherwise
15 provided for by this Act, the Secretary of State and the
16 Administrator of the United States Agency for Inter-
17 national Development, as applicable, may only deviate up
18 to 10 percent from the amounts specifically designated in
19 the respective tables included in the report accompanying
20 this Act: *Provided*, That such percentage may be exceeded
21 only to respond to significant, exigent, or unforeseen
22 events, or to address other exceptional circumstances di-
23 rectly related to the national interest: *Provided further*,
24 That deviations pursuant to the previous proviso shall be

1 subject to prior consultation with, and the regular notifica-
2 tion procedures of, the Committees on Appropriations.

3 (c) LIMITATION.—For specifically designated
4 amounts that are included, pursuant to subsection (a), in
5 the report required by section 653(a) of the Foreign As-
6 sistance Act of 1961, no deviations authorized by sub-
7 section (b) may take place until submission of such report.

8 REPRESENTATION AND ENTERTAINMENT EXPENSES

9 SEC. 7020. (a) USES OF FUNDS.—Each Federal de-
10 partment, agency, or entity funded in titles I or II of this
11 Act, and the Department of the Treasury and independent
12 agencies funded in titles III or VI of this Act, shall take
13 steps to ensure that domestic and overseas representation
14 and entertainment expenses further official agency busi-
15 ness and United States foreign policy interests—

16 (1) are primarily for fostering relations outside
17 of the Executive Branch;

18 (2) are principally for meals and events of a
19 protocol nature;

20 (3) are not for employee-only events; and

21 (4) do not include activities that are substan-
22 tially of a recreational character.

23 (b) LIMITATIONS.—None of the funds appropriated
24 or otherwise made available by this Act under the head-
25 ings “International Military Education and Training” or

1 “Foreign Military Financing Program” for Informational
2 Program activities or under the headings “Global Health
3 Programs”, “Development Assistance”, “Economic Sup-
4 port Fund”, and “Assistance for Europe, Eurasia and
5 Central Asia” may be obligated or expended to pay for—

6 (1) alcoholic beverages; or

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

12 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

13 SUPPORTING INTERNATIONAL TERRORISM

14 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
15 PORTS.—

16 (1) PROHIBITION.—None of the funds appro-
17 priated or otherwise made available by titles III
18 through VI of this Act may be made available to any
19 foreign government which provides lethal military
20 equipment to a country the government of which the
21 Secretary of State has determined supports inter-
22 national terrorism for purposes of section 6(j) of the
23 Export Administration Act of 1979 as continued in
24 effect pursuant to the International Emergency Eco-
25 nomic Powers Act: *Provided*, That the prohibition

1 under this section with respect to a foreign govern-
2 ment shall terminate 12 months after that govern-
3 ment ceases to provide such military equipment:
4 *Provided further*, That this section applies with re-
5 spect to lethal military equipment provided under a
6 contract entered into after October 1, 1997.

7 (2) DETERMINATION.—Assistance restricted by
8 paragraph (1) or any other similar provision of law,
9 may be furnished if the President determines that to
10 do so is important to the national interest of the
11 United States.

12 (3) REPORT.—Whenever the President makes a
13 determination pursuant to paragraph (2), the Presi-
14 dent shall submit to the Committees on Appropria-
15 tions a report with respect to the furnishing of such
16 assistance, including a detailed explanation of the
17 assistance to be provided, the estimated dollar
18 amount of such assistance, and an explanation of
19 how the assistance furthers United States national
20 interest.

21 (b) BILATERAL ASSISTANCE.—

22 (1) LIMITATIONS.—Funds appropriated for bi-
23 lateral assistance in titles III through VI of this Act
24 and funds appropriated under any such title in prior
25 Acts making appropriations for the Department of

1 State, foreign operations, and related programs,
2 shall not be made available to any foreign govern-
3 ment which the President determines—

4 (A) grants sanctuary from prosecution to
5 any individual or group which has committed
6 an act of international terrorism;

7 (B) otherwise supports international ter-
8 rorism; or

9 (C) is controlled by an organization des-
10 ignated as a terrorist organization under sec-
11 tion 219 of the Immigration and Nationality
12 Act (8 U.S.C. 1189).

13 (2) WAIVER.—The President may waive the ap-
14 plication of paragraph (1) to a government if the
15 President determines that national security or hu-
16 manitarian reasons justify such waiver: *Provided,*
17 That the President shall publish each such waiver in
18 the Federal Register and, at least 15 days before the
19 waiver takes effect, shall notify the Committees on
20 Appropriations of the waiver (including the justifica-
21 tion for the waiver) in accordance with the regular
22 notification procedures of the Committees on Appro-
23 priations.

1 AUTHORIZATION REQUIREMENTS

2 SEC. 7022. Funds appropriated by this Act, except
3 funds appropriated under the heading “Trade and Devel-
4 opment Agency”, may be obligated and expended notwith-
5 standing section 10 of Public Law 91-672 (22 U.S.C.
6 2412), section 15 of the State Department Basic Authori-
7 ties Act of 1956, section 313 of the Foreign Relations Au-
8 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
9 6212), and section 504(a)(1) of the National Security Act
10 of 1947 (50 U.S.C. 3094(a)(1)).

11 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

12 SEC. 7023. For the purpose of titles II through VI
13 of this Act “program, project, and activity” shall be de-
14 fined at the appropriations Act account level and shall in-
15 clude all appropriations and authorizations Acts funding
16 directives, ceilings, and limitations with the exception that
17 for the following accounts: “Economic Support Fund”,
18 “Assistance for Europe, Eurasia and Central Asia”, and
19 “Foreign Military Financing Program”, “program,
20 project, and activity” shall also be considered to include
21 country, regional, and central program level funding with-
22 in each such account; and for the development assistance
23 accounts of the United States Agency for International
24 Development, “program, project, and activity” shall also

1 be considered to include central, country, regional, and
2 program level funding, either as—

3 (1) justified to Congress; or

4 (2) allocated by the Executive Branch in ac-
5 cordance with a report, to be provided to the Com-
6 mittees on Appropriations within 30 days of the en-
7 actment of this Act, as required by section 653(a)
8 of the Foreign Assistance Act of 1961 or as modi-
9 fied pursuant to section 7019 of this Act.

10 NEAR EAST AND AFRICA RELIEF AND RECOVERY FUND

11 SEC. 7024. (a) APPROPRIATION.—Of the funds ap-
12 propriated by this Act under the heading “Economic Sup-
13 port Fund”, not less than \$25,000,000 shall be made
14 available for assistance for areas liberated from, or under
15 the influence of, extremist organizations in and around the
16 Near East and Africa regions: *Provided*, That such funds
17 are in addition to amounts otherwise available for such
18 purposes: *Provided further*, That such funds shall be con-
19 sidered to be the “Near East and Africa Relief and Recov-
20 ery Fund”.

21 (b) AVAILABILITY.—Funds made available pursuant
22 to subsection (a) may be made available notwithstanding
23 any other provision of law, except section 7018 of this Act
24 and section 620M of the Foreign Assistance Act of 1961:
25 *Provided*, That such funds shall be made available, to the

1 maximum extent practicable, on a cost-matching basis
2 from sources other than the United States Government,
3 except that no such funds may be made available for the
4 costs of significant infrastructure projects: *Provided fur-*
5 *ther*, That such funds made available for assistance for
6 Iraq may only be made available with the concurrence of
7 the Chief of Mission in Iraq.

8 (c) PURPOSES.—Funds made available pursuant to
9 subsection (a) shall be made available for programs that
10 address basic needs in the Near East and Africa regions,
11 including—

12 (1) food, water and sanitation;

13 (2) rule of law and governance, including for
14 countering extremism, transitional justice, and rec-
15 onciliation programs;

16 (3) relief efforts related to refugees, internally
17 displaced persons, and other vulnerable individuals;

18 (4) electricity;

19 (5) healthcare;

20 (6) economic and agricultural development;

21 (7) education, including vocational training; and

22 (8) transportation.

23 (d) TRANSFER OF FUNDS.—Funds made available
24 pursuant to subsection (a) may be transferred to, and
25 merged with, with funds appropriated by this Act under

1 the headings “International Narcotics Control and Law
2 Enforcement”, “Nonproliferation, Anti-terrorism,
3 Demining and Related Programs”, “Peacekeeping Oper-
4 ations”, and “Foreign Military Financing Program” for
5 assistance for countries in the Near East and Africa re-
6 gions, following consultation with, and subject to the reg-
7 ular notification procedures of, the Committees on Appro-
8 priations.

9 (e) SPEND PLAN AND OVERSIGHT REQUIRE-
10 MENTS.—Prior to the obligation of funds made available
11 pursuant to subsection (a), the Secretary of State shall—

12 (1) submit a spend plan to the Committees on
13 Appropriations; and

14 (2) take all practicable steps to ensure that
15 mechanisms are in place for monitoring, oversight,
16 and control of such funds: *Provided*, That the Sec-
17 retary shall promptly inform the appropriate con-
18 gressional committees of each instance in which a
19 significant amount of assistance provided pursuant
20 to this subsection has been misappropriated, to in-
21 clude the type and amount of assistance, a descrip-
22 tion of the incident and parties involved, and an ex-
23 planation of the response of the Department of
24 State.

1 (f) NOTIFICATION REQUIREMENT.—Funds made
2 available pursuant to subsection (a) shall be subject to the
3 regular notification procedures of the Committees on Ap-
4 propriations.

5 COMMERCE, TRADE AND SURPLUS COMMODITIES

6 SEC. 7025. (a) WORLD MARKETS.—None of the
7 funds appropriated or made available pursuant to titles
8 III through VI of this Act for direct assistance and none
9 of the funds otherwise made available to the Export-Im-
10 port Bank and the Overseas Private Investment Corpora-
11 tion shall be obligated or expended to finance any loan,
12 any assistance, or any other financial commitments for es-
13 tablishing or expanding production of any commodity for
14 export by any country other than the United States, if
15 the commodity is likely to be in surplus on world markets
16 at the time the resulting productive capacity is expected
17 to become operative and if the assistance will cause sub-
18 stantial injury to United States producers of the same,
19 similar, or competing commodity: *Provided*, That such
20 prohibition shall not apply to the Export-Import Bank if
21 in the judgment of its Board of Directors the benefits to
22 industry and employment in the United States are likely
23 to outweigh the injury to United States producers of the
24 same, similar, or competing commodity, and the Chairman
25 of the Board so notifies the Committees on Appropria-

1 tions: *Provided further*, That this subsection shall not pro-
2 hibit—

3 (1) activities in a country that is eligible for as-
4 sistance from the International Development Asso-
5 ciation, is not eligible for assistance from the Inter-
6 national Bank for Reconstruction and Development,
7 and does not export on a consistent basis the agri-
8 cultural commodity with respect to which assistance
9 is furnished; or

10 (2) activities in a country the President deter-
11 mines is recovering from widespread conflict, a hu-
12 manitarian crisis, or a complex emergency.

13 (b) EXPORTS.—None of the funds appropriated by
14 this or any other Act to carry out chapter 1 of part I
15 of the Foreign Assistance Act of 1961 shall be available
16 for any testing or breeding feasibility study, variety im-
17 provement or introduction, consultancy, publication, con-
18 ference, or training in connection with the growth or pro-
19 duction in a foreign country of an agricultural commodity
20 for export which would compete with a similar commodity
21 grown or produced in the United States: *Provided*, That
22 this subsection shall not prohibit—

23 (1) activities designed to increase food security
24 in developing countries where such activities will not

1 have a significant impact on the export of agricul-
2 tural commodities of the United States;

3 (2) research activities intended primarily to
4 benefit United States producers;

5 (3) activities in a country that is eligible for as-
6 sistance from the International Development Asso-
7 ciation, is not eligible for assistance from the Inter-
8 national Bank for Reconstruction and Development,
9 and does not export on a consistent basis the agri-
10 cultural commodity with respect to which assistance
11 is furnished; or

12 (4) activities in a country the President deter-
13 mines is recovering from widespread conflict, a hu-
14 manitarian crisis, or a complex emergency.

15 (c) INTERNATIONAL FINANCIAL INSTITUTIONS.—

16 The Secretary of the Treasury shall instruct the United
17 States executive directors of the international financial in-
18 stitutions, as defined in section 7034(r)(3) of this Act, to
19 use the voice and vote of the United States to oppose any
20 assistance by such institutions, using funds appropriated
21 or made available by this Act, for the production or extrac-
22 tion of any commodity or mineral for export, if it is in
23 surplus on world markets and if the assistance will cause
24 substantial injury to United States producers of the same,
25 similar, or competing commodity.

1 SEPARATE ACCOUNTS

2 SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL
3 CURRENCIES.—

4 (1) AGREEMENTS.—If assistance is furnished to
5 the government of a foreign country under chapters
6 1 and 10 of part I or chapter 4 of part II of the
7 Foreign Assistance Act of 1961 under agreements
8 which result in the generation of local currencies of
9 that country, the Administrator of the United States
10 Agency for International Development shall—

11 (A) require that local currencies be depos-
12 ited in a separate account established by that
13 government;

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

16 (i) the amount of the local currencies
17 to be generated; and

18 (ii) the terms and conditions under
19 which the currencies so deposited may be
20 utilized, consistent with this section; and

21 (C) establish by agreement with that gov-
22 ernment the responsibilities of USAID and that
23 government to monitor and account for deposits
24 into and disbursements from the separate ac-
25 count.

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

6 (A) to carry out chapter 1 or 10 of part
7 I or chapter 4 of part II of the Foreign Assist-
8 ance Act of 1961 (as the case may be), for such
9 purposes as—

10 (i) project and sector assistance activi-
11 ties; or

12 (ii) debt and deficit financing; or

13 (B) for the administrative requirements of
14 the United States Government.

15 (3) PROGRAMMING ACCOUNTABILITY.—USAID
16 shall take all necessary steps to ensure that the
17 equivalent of the local currencies disbursed pursuant
18 to subsection (a)(2)(A) from the separate account
19 established pursuant to subsection (a)(1) are used
20 for the purposes agreed upon pursuant to subsection
21 (a)(2).

22 (4) TERMINATION OF ASSISTANCE PRO-
23 GRAMS.—Upon termination of assistance to a coun-
24 try under chapter 1 or 10 of part I or chapter 4 of
25 part II of the Foreign Assistance Act of 1961 (as

1 the case may be), any unencumbered balances of
2 funds which remain in a separate account estab-
3 lished pursuant to subsection (a) shall be disposed of
4 for such purposes as may be agreed to by the gov-
5 ernment of that country and the United States Gov-
6 ernment.

7 (5) REPORTING REQUIREMENT.—The USAID
8 Administrator shall report on an annual basis as
9 part of the justification documents submitted to the
10 Committees on Appropriations on the use of local
11 currencies for the administrative requirements of the
12 United States Government as authorized in sub-
13 section (a)(2)(B), and such report shall include the
14 amount of local currency (and United States dollar
15 equivalent) used or to be used for such purpose in
16 each applicable country.

17 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

18 (1) IN GENERAL.—If assistance is made avail-
19 able to the government of a foreign country, under
20 chapter 1 or 10 of part I or chapter 4 of part II of
21 the Foreign Assistance Act of 1961, as cash transfer
22 assistance or as nonproject sector assistance, that
23 country shall be required to maintain such funds in
24 a separate account and not commingle with any
25 other funds.

1 (2) APPLICABILITY OF OTHER PROVISIONS OF
2 LAW.—Such funds may be obligated and expended
3 notwithstanding provisions of law which are incon-
4 sistent with the nature of this assistance including
5 provisions which are referenced in the Joint Explan-
6 atory Statement of the Committee of Conference ac-
7 companying House Joint Resolution 648 (House Re-
8 port No. 98–1159).

9 (3) NOTIFICATION.—At least 15 days prior to
10 obligating any such cash transfer or nonproject sec-
11 tor assistance, the President shall submit a notifica-
12 tion through the regular notification procedures of
13 the Committees on Appropriations, which shall in-
14 clude a detailed description of how the funds pro-
15 posed to be made available will be used, with a dis-
16 cussion of the United States interests that will be
17 served by the assistance (including, as appropriate,
18 a description of the economic policy reforms that will
19 be promoted by such assistance).

20 (4) EXEMPTION.—Nonproject sector assistance
21 funds may be exempt from the requirements of para-
22 graph (1) only through the regular notification pro-
23 cedures of the Committees on Appropriations.

1 ELIGIBILITY FOR ASSISTANCE

2 SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-
3 MENTAL ORGANIZATIONS.—Restrictions contained in this
4 or any other Act with respect to assistance for a country
5 shall not be construed to restrict assistance in support of
6 programs of nongovernmental organizations from funds
7 appropriated by this Act to carry out the provisions of
8 chapters 1, 10, 11, and 12 of part I and chapter 4 of
9 part II of the Foreign Assistance Act of 1961 and from
10 funds appropriated under the heading “Assistance for Eu-
11 rope, Eurasia and Central Asia”: *Provided*, That before
12 using the authority of this subsection to furnish assistance
13 in support of programs of nongovernmental organizations,
14 the President shall notify the Committees on Appropria-
15 tions pursuant to the regular notification procedures, in-
16 cluding a description of the program to be assisted, the
17 assistance to be provided, and the reasons for furnishing
18 such assistance: *Provided further*, That nothing in this
19 subsection shall be construed to alter any existing statu-
20 tory prohibitions against abortion or involuntary steriliza-
21 tions contained in this or any other Act.

22 (b) PUBLIC LAW 480.—During fiscal year 2017, re-
23 strictions contained in this or any other Act with respect
24 to assistance for a country shall not be construed to re-
25 strict assistance under the Food for Peace Act (Public

1 Law 83–480): *Provided*, That none of the funds appro-
2 priated to carry out title I of such Act and made available
3 pursuant to this subsection may be obligated or expended
4 except as provided through the regular notification proce-
5 dures of the Committees on Appropriations.

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

7 (1) with respect to section 620A of the Foreign
8 Assistance Act of 1961 or any comparable provision
9 of law prohibiting assistance to countries that sup-
10 port international terrorism; or

11 (2) with respect to section 116 of the Foreign
12 Assistance Act of 1961 or any comparable provision
13 of law prohibiting assistance to the government of a
14 country that violates internationally recognized
15 human rights.

16 LOCAL COMPETITION

17 SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO
18 COMPETITION FOR LOCAL ENTITIES.—Funds appro-
19 priated by this Act that are made available to the United
20 States Agency for International Development may only be
21 made available for limited competitions through local enti-
22 ties if—

23 (1) prior to the determination to limit competi-
24 tion to local entities, USAID has—

1 (A) assessed the level of local capacity to
2 effectively implement, manage, and account for
3 programs included in such competition; and

4 (B) documented the written results of the
5 assessment and decisions made; and

6 (2) prior to making an award after limiting
7 competition to local entities—

8 (A) each successful local entity has been
9 determined to be responsible in accordance with
10 USAID guidelines; and

11 (B) effective monitoring and evaluation
12 systems are in place to ensure that award fund-
13 ing is used for its intended purposes; and

14 (3) no level of acceptable fraud is assumed.

15 (b) REPORTING REQUIREMENT.—In addition to the
16 requirements of subsection (a)(1), the USAID Adminis-
17 trator shall report, on an annual basis, to the appropriate
18 congressional committees on all awards subject to limited
19 or no competition for local entities: *Provided*, That such
20 report should be posted on the USAID Web site: *Provided*
21 *further*, That the requirements of this subsection shall only
22 apply to awards in excess of \$3,000,000 and sole source
23 awards to local entities in excess of \$2,000,000.

24 (c) EXTENSION OF PROCUREMENT AUTHORITY.—
25 Section 7077 of the Department of State, Foreign Oper-

1 ations, and Related Programs Appropriations Act, 2012
2 (division I of Public Law 112–74), as amended, shall con-
3 tinue in effect during fiscal year 2017.

4 INTERNATIONAL FINANCIAL INSTITUTIONS

5 SEC. 7029. (a) EVALUATIONS AND REPORT.—The
6 Secretary of the Treasury shall instruct the United States
7 executive director of each international financial institu-
8 tion to seek to require that such institution adopts and
9 implements a publicly available policy, including the stra-
10 tegic use of peer reviews and external experts, to conduct
11 independent, in-depth evaluations of the effectiveness of
12 at least 35 percent of all loans, grants, programs, and sig-
13 nificant analytical non-lending activities in advancing the
14 institution’s goals of reducing poverty and promoting equi-
15 table economic growth, consistent with relevant safe-
16 guards, to ensure that decisions to support such loans,
17 grants, programs, and activities are based on accurate
18 data and objective analysis: *Provided*, That not later than
19 45 days after enactment of this Act, the Secretary shall
20 submit a report to the Committees on Appropriations on
21 steps taken by the United States executive directors and
22 the international financial institutions consistent with this
23 subsection.

24 (b) SAFEGUARDS.—

1 (1) The Secretary of the Treasury shall instruct
2 the United States Executive Director of the Inter-
3 national Bank for Reconstruction and Development
4 and the International Development Association to
5 vote against any loan, grant, policy, or strategy if
6 such institution has adopted and is implementing
7 any social or environmental safeguard relevant to
8 such loan, grant, policy, or strategy that provides
9 less protection than World Bank safeguards in effect
10 on September 30, 2015.

11 (2) The Secretary of the Treasury should in-
12 struct the United States executive director of each
13 international financial institution to vote against
14 loans or other financing for projects unless such
15 projects—

16 (A) provide for accountability and trans-
17 parency, including the collection, verification
18 and publication of beneficial ownership informa-
19 tion related to extractive industries and on-site
20 monitoring during the life of the project;

21 (B) will be developed and carried out in ac-
22 cordance with best practices regarding environ-
23 mental conservation; cultural protection; and
24 empowerment of local populations, including

1 free, prior and informed consent of affected in-
2 digenous communities;

3 (C) do not provide incentives for, or facili-
4 tate, forced displacement; and

5 (D) do not partner with or otherwise in-
6 volve enterprises owned or controlled by the
7 armed forces.

8 (e) COMPENSATION.—None of the funds appro-
9 priated under title V of this Act may be made as payment
10 to any international financial institution while the United
11 States executive director to such institution is com-
12 pensated by the institution at a rate which, together with
13 whatever compensation such executive director receives
14 from the United States, is in excess of the rate provided
15 for an individual occupying a position at level IV of the
16 Executive Schedule under section 5315 of title 5, United
17 States Code, or while any alternate United States execu-
18 tive director to such institution is compensated by the in-
19 stitution at a rate in excess of the rate provided for an
20 individual occupying a position at level V of the Executive
21 Schedule under section 5316 of title 5, United States
22 Code.

23 (d) HUMAN RIGHTS.—The Secretary of the Treasury
24 shall instruct the United States executive director of each
25 international financial institution to seek to require that

1 such institution conducts rigorous human rights due dili-
2 gence and risk management, as appropriate, in connection
3 with any loan, grant, policy, or strategy of such institu-
4 tion: *Provided*, That prior to voting on any such loan,
5 grant, policy, or strategy the executive director shall con-
6 sult with the Assistant Secretary for Democracy, Human
7 Rights, and Labor, Department of State, if the executive
8 director has reason to believe that such loan, grant, policy,
9 or strategy could result in forced displacement or other
10 violation of human rights.

11 (e) FRAUD AND CORRUPTION.—The Secretary of the
12 Treasury shall instruct the United States executive direc-
13 tor of each international financial institution to promote
14 in loan, grant, and other financing agreements improve-
15 ments in borrowing countries' financial management and
16 judicial capacity to investigate, prosecute, and punish
17 fraud and corruption.

18 (f) BENEFICIAL OWNERSHIP INFORMATION.—The
19 Secretary of the Treasury shall instruct the United States
20 executive director of each international financial institu-
21 tion to seek to require that such institution collects,
22 verifies, and publishes, to the maximum extent practicable,
23 beneficial ownership information (excluding proprietary
24 information) for any corporation or limited liability com-
25 pany, other than a publicly listed company, that receives

1 funds from any such financial institution: *Provided*, That
2 not later than 45 days after enactment of this Act, the
3 Secretary shall submit a report to the Committees on Ap-
4 propriations on steps taken by the United States executive
5 directors and the international financial institutions con-
6 sistent with this subsection.

7 (g) WHISTLEBLOWER PROTECTIONS.—The Secretary
8 of the Treasury shall instruct the United States executive
9 director of each international financial institution to seek
10 to require that each such institution is effectively imple-
11 menting and enforcing policies and procedures which re-
12 flect best practices for the protection of whistleblowers
13 from retaliation, including best practices for—

14 (1) protection against retaliation for internal
15 and lawful public disclosure;

16 (2) legal burdens of proof;

17 (3) statutes of limitation for reporting retalia-
18 tion;

19 (4) access to independent adjudicative bodies,
20 including external arbitration; and

21 (5) results that eliminate the effects of proven
22 retaliation.

23 DEBT-FOR-DEVELOPMENT

24 SEC. 7030. In order to enhance the continued partici-
25 pation of nongovernmental organizations in debt-for-devel-

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

11 FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

12 SEC. 7031. (a) LIMITATION ON DIRECT GOVERN-
13 MENT-TO-GOVERNMENT ASSISTANCE.—

14 (1) REQUIREMENTS.—Funds appropriated by
15 this Act may be made available for direct govern-
16 ment-to-government assistance only if—

17 (A)(i) each implementing agency or min-
18 istry to receive assistance has been assessed
19 and is considered to have the systems required
20 to manage such assistance and any identified
21 vulnerabilities or weaknesses of such agency or
22 ministry have been addressed;

23 (ii) the recipient agency or ministry em-
24 ploys and utilizes staff with the necessary tech-
25 nical, financial, and management capabilities;

1 (iii) the recipient agency or ministry has
2 adopted competitive procurement policies and
3 systems;

4 (iv) effective monitoring and evaluation
5 systems are in place to ensure that such assist-
6 ance is used for its intended purposes;

7 (v) no level of acceptable fraud is assumed;
8 and

9 (vi) the government of the recipient coun-
10 try is taking steps to publicly disclose on an an-
11 nual basis its national budget, to include in-
12 come and expenditures;

13 (B) the recipient government is in compli-
14 ance with the principles set forth in section
15 7013 of this Act;

16 (C) the recipient agency or ministry is not
17 headed or controlled by an organization des-
18 ignated as a foreign terrorist organization
19 under section 219 of the Immigration and Na-
20 tionality Act (8 U.S.C. 1189);

21 (D) the Government of the United States
22 and the government of the recipient country
23 have agreed, in writing, on clear and achievable
24 objectives for the use of such assistance, which

1 should be made available on a cost-reimbursable
2 basis; and

3 (E) the recipient government is taking
4 steps to protect the rights of civil society, in-
5 cluding freedoms of expression, association, and
6 assembly.

7 (2) CONSULTATION AND NOTIFICATION.—In
8 addition to the requirements in paragraph (1), no
9 funds may be made available for direct government-
10 to-government assistance without prior consultation
11 with, and notification of, the Committees on Appro-
12 priations: *Provided*, That such notification shall con-
13 tain an explanation of how the proposed activity
14 meets the requirements of paragraph (1): *Provided*
15 *further*, That the requirements of this paragraph
16 shall only apply to direct government-to-government
17 assistance in excess of \$10,000,000 and all funds
18 available for cash transfer, budget support, and cash
19 payments to individuals.

20 (3) SUSPENSION OF ASSISTANCE.—The Admin-
21 istrator of the United States Agency for Inter-
22 national Development or the Secretary of State, as
23 appropriate, shall suspend any direct government-to-
24 government assistance if the Administrator or the
25 Secretary has credible information of material mis-

1 use of such assistance, unless the Administrator or
2 the Secretary reports to the Committees on Appro-
3 priations that it is in the national interest of the
4 United States to continue such assistance, including
5 a justification, or that such misuse has been appro-
6 priately addressed.

7 (4) SUBMISSION OF INFORMATION.—The Sec-
8 retary of State shall submit to the Committees on
9 Appropriations, concurrent with the fiscal year 2018
10 congressional budget justification materials, amounts
11 planned for assistance described in paragraph (1) by
12 country, proposed funding amount, source of funds,
13 and type of assistance.

14 (5) REPORT.—Not later than 90 days after the
15 enactment of this Act and 6 months thereafter until
16 September 30, 2017, the USAID Administrator
17 shall submit to the Committees on Appropriations a
18 report that—

19 (A) details all assistance described in para-
20 graph (1) provided during the previous 6-month
21 period by country, funding amount, source of
22 funds, and type of such assistance; and

23 (B) the type of procurement instrument or
24 mechanism utilized and whether the assistance
25 was provided on a reimbursable basis.

1 (6) DEBT SERVICE PAYMENT PROHIBITION.—

2 None of the funds made available by this Act may
3 be used by the government of any foreign country
4 for debt service payments owed by any country to
5 any international financial institution: *Provided*,
6 That for purposes of this paragraph, the term
7 “international financial institution” has the meaning
8 given the term in section 7034(r)(3) of this Act.

9 (b) NATIONAL BUDGET AND CONTRACT TRANS-
10 PARENCY.—

11 (1) MINIMUM REQUIREMENTS OF FISCAL
12 TRANSPARENCY.—The Secretary of State shall con-
13 tinue to update and strengthen the “minimum re-
14 quirements of fiscal transparency” for each govern-
15 ment receiving assistance appropriated by this Act,
16 as identified in the report required by section
17 7031(b) of the Department of State, Foreign Oper-
18 ations, and Related Programs Appropriations Act,
19 2014 (division K of Public Law 113–76).

20 (2) DEFINITION.—For purposes of paragraph
21 (1), “minimum requirements of fiscal transparency”
22 are requirements consistent with those in subsection
23 (a)(1), and the public disclosure of national budget
24 documentation (to include receipts and expenditures
25 by ministry) and government contracts and licenses

1 for natural resource extraction (to include bidding
2 and concession allocation practices).

3 (3) DETERMINATION AND REPORT.—For each
4 government identified pursuant to paragraph (1),
5 the Secretary of State, not later than 180 days after
6 enactment of this Act, shall make or update any de-
7 termination of “significant progress” or “no signifi-
8 cant progress” in meeting the minimum require-
9 ments of fiscal transparency, and make such deter-
10 minations publicly available in an annual “Fiscal
11 Transparency Report” to be posted on the Depart-
12 ment of State Web site: *Provided*, That the Sec-
13 retary shall identify the significant progress made by
14 each such government to publicly disclose national
15 budget documentation, contracts, and licenses which
16 are additional to such information disclosed in pre-
17 vious fiscal years, and include specific recommenda-
18 tions of short- and long-term steps such government
19 should take to improve fiscal transparency: *Provided*
20 *further*, That the annual report shall include a de-
21 tailed description of how funds appropriated by this
22 Act are being used to improve fiscal transparency,
23 and identify benchmarks for measuring progress.

24 (4) ASSISTANCE.—Funds appropriated under
25 title III of this Act shall be made available for pro-

1 grams and activities to assist governments identified
2 pursuant to paragraph (1) to improve budget trans-
3 parency and to support civil society organizations in
4 such countries that promote budget transparency:
5 *Provided*, That such sums shall be in addition to
6 funds otherwise available for such purposes: *Pro-*
7 *vided further*, That a description of the uses of such
8 funds shall be included in the annual “Fiscal Trans-
9 parency Report” required by paragraph (3).

10 (c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

11 (1)(A) INELIGIBILITY.—Officials of foreign gov-
12 ernments and their immediate family members about
13 whom the Secretary of State has credible informa-
14 tion have been involved in significant corruption, in-
15 cluding corruption related to the extraction of nat-
16 ural resources, or a gross violation of human rights
17 shall be ineligible for entry into the United States.

18 (B) The Secretary shall also publicly or pri-
19 vately designate or identify officials of foreign gov-
20 ernments and their immediate family members about
21 whom the Secretary has such credible information
22 without regard to whether the individual has applied
23 for a visa.

24 (2) EXCEPTION.—Individuals shall not be ineli-
25 gible if entry into the United States would further

1 important United States law enforcement objectives
2 or is necessary to permit the United States to fulfill
3 its obligations under the United Nations Head-
4 quarters Agreement: *Provided*, That nothing in
5 paragraph (1) shall be construed to derogate from
6 United States Government obligations under applica-
7 ble international agreements.

8 (3) WAIVER.—The Secretary may waive the ap-
9 plication of paragraph (1) if the Secretary deter-
10 mines that the waiver would serve a compelling na-
11 tional interest or that the circumstances which
12 caused the individual to be ineligible have changed
13 sufficiently.

14 (4) REPORT.—Not later than 6 months after
15 enactment of this Act, the Secretary of State shall
16 submit a report, including a classified annex if nec-
17 essary, to the Committees on Appropriations and the
18 Committees on the Judiciary describing the informa-
19 tion related to corruption or violation of human
20 rights concerning each of the individuals found ineli-
21 gible in the previous 12 months pursuant to para-
22 graph (1)(A) as well as the individuals who the Sec-
23 retary designated or identified pursuant to para-
24 graph (1)(B), or who would be ineligible but for the
25 application of paragraph (2), a list of any waivers

1 provided under paragraph (3), and the justification
2 for each waiver.

3 (5) POSTING OF REPORT.—Any unclassified
4 portion of the report required under paragraph (4)
5 shall be posted on the Department of State Web
6 site.

7 (6) CLARIFICATION.—For purposes of para-
8 graphs (1)(B), (4), and (5), the records of the De-
9 partment of State and of diplomatic and consular of-
10 fices of the United States pertaining to the issuance
11 or refusal of visas or permits to enter the United
12 States shall not be considered confidential.

13 (d) NETWORKS OF CORRUPTION.—If the Secretary
14 of State has credible information of networks of corruption
15 involving the direct or indirect participation of, or support
16 from, a foreign official in a country that receives assist-
17 ance funded by this Act or prior Acts making appropria-
18 tions for the Department of State, foreign operations, and
19 related programs, the Secretary shall submit a report to
20 the appropriate congressional committees describing such
21 networks, which shall include the information required
22 under the “Economic Support Fund” heading in the re-
23 port accompanying this Act.

24 (e) EXTRACTION OF NATURAL RESOURCES.—

1 (1) ASSISTANCE.—Funds appropriated by this
2 Act shall be made available to promote and support
3 transparency and accountability of expenditures and
4 revenues related to the extraction of natural re-
5 sources, including by strengthening implementation
6 and monitoring of the Extractive Industries Trans-
7 parency Initiative, implementing and enforcing sec-
8 tion 8204 of the Food, Conservation, and Energy
9 Act of 2008 (Public Law 110–246; 122 Stat. 2052)
10 and to prevent the sale of conflict diamonds, and
11 provide technical assistance to promote independent
12 audit mechanisms and support civil society partici-
13 pation in natural resource management.

14 (2) UNITED STATES POLICY.—

15 (A) The Secretary of the Treasury shall in-
16 form the management of the international fi-
17 nancial institutions, and post on the Depart-
18 ment of the Treasury Web site, that it is the
19 policy of the United States to vote against any
20 assistance by such institutions (including any
21 loan, credit, grant, or guarantee) to any coun-
22 try for the extraction and export of a natural
23 resource if the government of such country has
24 in place laws, regulations, or procedures to pre-
25 vent or limit the public disclosure of company

1 payments as required by United States law, and
2 unless such government has adopted laws, regu-
3 lations, or procedures in the sector in which as-
4 sistance is being considered for—

5 (i) accurately accounting for and pub-
6 lic disclosure of payments to the host gov-
7 ernment by companies involved in the ex-
8 traction and export of natural resources;

9 (ii) the independent auditing of ac-
10 counts receiving such payments and public
11 disclosure of the findings of such audits;
12 and

13 (iii) public disclosure of such docu-
14 ments as Host Government Agreements,
15 Concession Agreements, and bidding docu-
16 ments, allowing in any such dissemination
17 or disclosure for the redaction of, or excep-
18 tions for, information that is commercially
19 proprietary or that would create competi-
20 tive disadvantage.

21 (B) The requirements of subparagraph (A)
22 shall not apply to assistance for the purpose of
23 building the capacity of such government to
24 meet the requirements of this subparagraph.

1 (f) FOREIGN ASSISTANCE WEB SITE.—Funds appro-
2 priated by this Act under titles I and II, and funds made
3 available for any independent agency in title III, as appro-
4 priate, shall be made available to support the provision
5 of additional information on United States Government
6 foreign assistance on the Department of State foreign as-
7 sistance Web site: *Provided*, That all Federal agencies
8 funded under this Act shall provide such information on
9 foreign assistance, upon request, to the Department of
10 State.

11 DEMOCRACY PROGRAMS

12 SEC. 7032. (a) FUNDING.—Of the funds appro-
13 priated by this Act under the headings “Development As-
14 sistance”, “Economic Support Fund”, “Assistance for Eu-
15 rope, Eurasia and Central Asia”, and “International Nar-
16 cotics Control and Law Enforcement”, not less than
17 \$2,576,000,000 shall be made available for democracy
18 programs, of which amounts shall be allocated as fol-
19 lows—

20 (1) not less than \$339,325,000 for Africa, of
21 which not less than \$33,000,000 shall be made
22 available for democracy programs for Cameroon,
23 Chad, Niger, and Nigeria, following consultation
24 with the Committees on Appropriations;

1 (2) not less than \$148,808,000 for the East
2 Asia and Pacific region;

3 (3) not less than \$232,292,000 for Europe and
4 Eurasia;

5 (4) not less than \$429,515,000 for the Near
6 East region, of which not less than \$32,000,000
7 shall be made available for the Near East Regional
8 Democracy program and not less than \$55,000,000
9 shall be made available for democracy programs for
10 Iraq under the heading “Economic Support Fund”;

11 (5) not less than \$777,443,000 for South and
12 Central Asia;

13 (6) not less than \$577,545,000 for the Western
14 Hemisphere; and

15 (7) not less than \$71,072,000 for global pro-
16 grams.

17 (b) AUTHORITIES.—

18 (1) Funds made available by this Act for de-
19 mocracy programs may be made available notwith-
20 standing any other provision of law, and with regard
21 to the National Endowment for Democracy (NED),
22 any regulation.

23 (2) Funds appropriated by this Act under the
24 heading “Democracy Fund” may be made available
25 notwithstanding section 7015 of this Act for rapid

1 response assistance if the Secretary of State or
2 USAID Administrator, as appropriate, submits a re-
3 port to the Committees on Appropriations at least 5
4 days in advance of the obligation of such funds de-
5 tailing the circumstances requiring such a response.

6 (c) DEFINITION OF DEMOCRACY PROGRAMS.—For
7 purposes of funds appropriated by this Act, the term “de-
8 mocracy programs” means programs that support good
9 governance, credible and competitive elections, freedom of
10 expression, association, assembly, and religion, human
11 rights, labor rights, independent media, and the rule of
12 law, and that otherwise strengthen the capacity of demo-
13 cratic political parties, governments, nongovernmental or-
14 ganizations and institutions, and citizens to support the
15 development of democratic states, and institutions that are
16 responsive and accountable to citizens.

17 (d) RESTRICTION ON PRIOR APPROVAL.—With re-
18 spect to the provision of assistance for democracy pro-
19 grams in this Act, the organizations implementing such
20 assistance, the specific nature of that assistance, and the
21 participants in such programs shall not be subject to the
22 prior approval by the government of any foreign country:
23 *Provided*, That the Secretary of State, in coordination
24 with the USAID Administrator, shall report to the Com-
25 mittees on Appropriations, not later than 120 days after

1 enactment of this Act, detailing steps taken by the Depart-
2 ment of State and USAID to comply with the require-
3 ments of this subsection.

4 (e) CONTINUATION OF CURRENT PRACTICES.—
5 USAID shall continue to implement civil society and polit-
6 ical competition and consensus building programs abroad
7 with funds appropriated by this Act in a manner that rec-
8 ognizes the unique benefits of grants and cooperative
9 agreements in implementing such programs: *Provided*,
10 That nothing in this paragraph shall be construed to af-
11 fect the ability of any entity, including United States small
12 businesses, from competing for proposals for USAID-
13 funded civil society and political competition and con-
14 sensus building programs.

15 (f) COUNTRY STRATEGY STRATEGIC REVIEWS.—
16 Prior to the obligation of funds made available by this Act
17 for Department of State and USAID democracy programs
18 for a nondemocratic or democratic transitioning country
19 for which a country strategy has been concluded after the
20 date of enactment of this Act, as required by section
21 2111(c)(1) of the ADVANCE Democracy Act of 2007
22 (title XXI of Public Law 110–53; 22 U.S.C. 8211) or
23 similar provision of law or regulation, the Under Secretary
24 for Civilian Security, Democracy and Human Rights, De-
25 partment of State, in consultation with the Assistant Sec-

1 retary for Democracy, Human Rights, and Labor, Depart-
2 ment of State, and the Assistant Administrator for De-
3 mocracy, Conflict, and Humanitarian Assistance, USAID,
4 shall review such strategy to ensure that it includes—

5 (1) specific goals and objectives for such pro-
6 gram, including a specific plan and timeline to meas-
7 ure impacts;

8 (2) an assessment of the risks associated with
9 the conduct of such program to intended bene-
10 ficiaries and implementers, including steps to sup-
11 port and protect such individuals; and

12 (3) the funding requirements to initiate and
13 sustain such program in fiscal year 2017 and subse-
14 quent fiscal years, as appropriate:

15 *Provided*, That for the purposes of this paragraph, the
16 term “nondemocratic or democratic transitioning country”
17 shall have the same meaning as in section 2104(6) of Pub-
18 lic Law 110–53.

19 (g) CONSULTATION AND COMMUNICATION REQUIRE-
20 MENTS.—

21 (1) COUNTRY ALLOCATIONS.—The Deputy Sec-
22 retary for Management and Resources, Department
23 of State, shall consult with the Under Secretary for
24 Civilian Security, Democracy and Human Rights,
25 Department of State, and the Assistant Adminis-

1 trator for Democracy, Conflict, and Humanitarian
2 Assistance, USAID, on the proposed funding levels
3 for democracy programs by country in the report
4 submitted to Congress pursuant to section 653(a) of
5 the Foreign Assistance Act of 1961.

6 (2) INFORMING THE NATIONAL ENDOWMENT
7 FOR DEMOCRACY.—The Assistant Secretary for De-
8 mocracy, Human Rights, and Labor, Department of
9 State, and the Assistant Administrator for Democ-
10 racy, Conflict, and Humanitarian Assistance,
11 USAID, shall regularly inform the National Endow-
12 ment for Democracy of democracy programs that
13 are planned and supported by funds made available
14 by this Act and prior Acts making appropriations
15 for the Department of State, foreign operations, and
16 related programs.

17 (h) TRANSPARENCY.—The USAID Administrator
18 shall publish on the USAID Web site the justification for
19 the choice of instrument for each democracy, human
20 rights, and governance program funded by this Act: *Pro-*
21 *vided*, That the requirement of this paragraph shall only
22 apply to an award exceeding \$1,000,000.

23 INTERNATIONAL RELIGIOUS FREEDOM
24 SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREE-
25 DOM OFFICE AND SPECIAL ENVOY TO PROMOTE RELI-

1 GIOUS FREEDOM.—Of the funds appropriated by this Act
2 under the heading “Diplomatic and Consular Programs”,
3 not less than \$8,000,000 shall be made available for the
4 Office of International Religious Freedom, Bureau of De-
5 mocracy, Human Rights, and Labor, Department of
6 State, of which not less than \$6,000,000 shall be made
7 available for the Office of the Ambassador-at-Large for
8 International Religious Freedom, and not less than
9 \$2,000,000 shall be made available for the Special Envoy
10 to Promote Religious Freedom of Religious Minorities in
11 the Near East and South Central Asia, as authorized in
12 the Near East and South Central Asia Religious Freedom
13 Act of 2014 (Public Law 113–161), including for support
14 staff.

15 (b) ASSISTANCE.—

16 (1) INTERNATIONAL RELIGIOUS FREEDOM PRO-
17 GRAMS.—Of the funds appropriated by this Act
18 under the heading “Democracy Fund” and available
19 for the Human Rights and Democracy Fund
20 (HRDF), not less than \$10,000,000 shall be made
21 available for international religious freedom pro-
22 grams: *Provided*, That the Ambassador-at-Large for
23 International Religious Freedom shall consult with
24 the Committees on Appropriations on the uses of
25 such funds.

1 (2) PROTECTION AND INVESTIGATION PRO-
2 GRAMS.—Of the funds appropriated by this Act
3 under the heading “Economic Support Fund”, not
4 less than \$10,000,000 shall be made available for
5 programs to protect vulnerable and persecuted reli-
6 gious minorities: *Provided*, That a portion of such
7 funds shall be made available for programs to inves-
8 tigate the persecution of such minorities by govern-
9 ments and non-state actors and for the public dis-
10 semination of information collected on such persecu-
11 tion, including on the Department of State Web site.

12 (3) TRANSITIONAL JUSTICE, RECONCILIATION,
13 AND REINTEGRATION PROGRAMS IN THE MIDDLE
14 EAST AND NORTH AFRICA REGIONS.—

15 (A) Not later than 90 days after enact-
16 ment of this Act and after consultation with rel-
17 evant central governments in the Middle East
18 and North Africa regions, the Secretary of
19 State shall submit to the Committees on Appro-
20 priations a plan for transitional justice, rec-
21 onciliation, and reintegration programs for vul-
22 nerable and persecuted religious minorities in
23 such regions: *Provided*, That such plan shall in-
24 clude a description of actions to be taken by
25 such governments to safeguard and promote the

1 political and economic rights of such minorities,
2 including the return, rehabilitation, and protec-
3 tion of property in areas of conflict.

4 (B) Of the funds appropriated by this Act
5 under the heading “Economic Support Fund”
6 that are made available for assistance for Iraq
7 and Syria, not less than \$5,000,000 shall be
8 made available to support the implementation
9 of the plan required by subparagraph (A): *Pro-*
10 *vided*, That such funds shall be matched, to the
11 maximum extent practicable, from sources other
12 than the United States Government.

13 (4) HUMANITARIAN PROGRAMS.—Funds appro-
14 priated by this Act under the headings “Inter-
15 national Disaster Assistance” and “Migration and
16 Refugee Assistance” shall be made available for hu-
17 manitarian assistance for vulnerable and persecuted
18 religious minorities who have been impacted by a
19 man-made or natural disaster, including conflict
20 caused by extremist organizations.

21 (5) RESPONSIBILITY OF FUNDS.—Funds made
22 available by paragraphs (1), (2), and (3) shall be the
23 responsibility of the Ambassador-at-Large for Inter-
24 national Religious Freedom, in consultation with
25 other relevant United States Government officials.

1 (c) INTERNATIONAL BROADCASTING.—Funds appro-
2 priated by this Act under the heading “Broadcasting
3 Board of Governors, International Broadcasting Oper-
4 ations” shall be made available for programs related to
5 international religious freedom, including reporting on the
6 condition of vulnerable and persecuted religious groups.

7 (d) ATROCITIES PREVENTION FUND.—Of the funds
8 appropriated by this Act under the headings “Economic
9 Support Fund” and “International Narcotics Control and
10 Law Enforcement”, not less than \$25,000,000 shall be
11 made available for programs to prevent atrocities and to
12 implement the recommendations of the Atrocities Preven-
13 tion Board, including with respect to the evaluation re-
14 quired by section 7033(d) of the Department of State,
15 Foreign Operations, and Related Programs Appropria-
16 tions Act, 2016 (division K of Public Law 113–114): *Pro-*
17 *vided*, That the uses of such funds shall be the responsi-
18 bility of the Under Secretary for Civilian Security, Democ-
19 racy, and Human Rights, Department of State: *Provided*
20 *further*, That such funds shall be subject to the regular
21 notification procedures of the Committees on Appropria-
22 tions.

23 (e) DESIGNATION OF NON-STATE ACTORS.—The
24 President shall, concurrent with the annual foreign coun-
25 try review required by section 402(b)(1) of the Inter-

1 national Religious Freedom Act of 1998 (22 U.S.C.
2 6442(b)(1)), review and identify any non-state actors in
3 such countries that have engaged in particularly severe
4 violations of religious freedom, and designate, in a manner
5 consistent with such Act, each such group as a non-state
6 actor of particular concern for religious freedom operating
7 in such reviewed country or surrounding region: *Provided*,
8 That whenever the President designates such a non-state
9 actor under this subsection, the President shall, as soon
10 as practicable after the designation is made, submit a re-
11 port to the appropriate congressional committees detailing
12 the reasons for such designation.

13 SPECIAL PROVISIONS

14 SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHIL-
15 DREN, AND DISPLACED BURMESE.—Funds appropriated
16 in titles III and VI of this Act that are made available
17 for victims of war, displaced children, displaced Burmese,
18 and to combat trafficking in persons and assist victims
19 of such trafficking, may be made available notwith-
20 standing any other provision of law.

21 (b) LAW ENFORCEMENT AND SECURITY.—

22 (1) CHILD SOLDIERS.—Funds appropriated by
23 this Act should not be used to support any military
24 training or operations that include child soldiers.

1 (2) CROWD CONTROL ITEMS.—Funds appro-
2 priated by this Act should not be used for tear gas,
3 small arms, light weapons, ammunition, or other
4 items for crowd control purposes for foreign security
5 forces that use excessive force to repress peaceful ex-
6 pression, association, or assembly in countries un-
7 dergoing democratic transition.

8 (3) DISARMAMENT, DEMOBILIZATION, AND RE-
9 INTEGRATION.—Section 7034(d) of the Department
10 of State, Foreign Operations, and Related Programs
11 Appropriations Act, 2015 (division J of Public Law
12 113–235) shall continue in effect during fiscal year
13 2017.

14 (4) FORENSIC ASSISTANCE.—Of the funds ap-
15 propriated by this Act under the heading “Economic
16 Support Fund”, not less than \$9,000,000 shall be
17 made available for forensic anthropology assistance
18 related to the exhumation of mass graves and the
19 identification of victims of war crimes and crimes
20 against humanity, including in Iraq, Guatemala, and
21 Sri Lanka, which shall be administered by the As-
22 sistant Secretary for Democracy, Human Rights,
23 and Labor, Department of State.

24 (5) WOMEN’S PARTICIPATION IN MILITARY
25 TRAINING AND EDUCATION.—The Secretary of State

1 shall instruct the Chief of Mission in each country
2 for which funds appropriated by this Act under the
3 heading “International Military Education and
4 Training” are made available to work with the gov-
5 ernment of such country to increase the participa-
6 tion of women in programs supported with such
7 funds, with the goal of doubling female participation
8 in such programs globally by September 30, 2019.

9 (6) INTERNATIONAL PRISON CONDITIONS.—
10 Section 7065 of the Department of State, Foreign
11 Operations, and Related Programs Appropriations
12 Act, 2015 (division J of Public Law 113–235) shall
13 continue in effect during fiscal year 2017.

14 (7) RECONSTITUTING CIVILIAN POLICE AU-
15 THORITY.—In providing assistance with funds ap-
16 propriated by this Act under section 660(b)(6) of
17 the Foreign Assistance Act of 1961, support for a
18 nation emerging from instability may be deemed to
19 mean support for regional, district, municipal, or
20 other sub-national entity emerging from instability,
21 as well as a nation emerging from instability.

22 (8) SECURITY ASSISTANCE REPORT.—Not later
23 than 120 days after enactment of this Act, the Sec-
24 retary of State shall submit to the Committees on
25 Appropriations a report on funds obligated and ex-

1 pended during fiscal year 2016, by country and pur-
2 pose of assistance, under the headings “Peace-
3 keeping Operations”, “International Military Edu-
4 cation and Training”, and “Foreign Military Fi-
5 nancing Program”.

6 (9) VETTING REPORT.—

7 (A) Not later than 90 days after enact-
8 ment of this Act, the Secretary of State shall
9 submit a report to the appropriate congress-
10 sional committees on foreign assistance cases
11 submitted for vetting for purposes of section
12 620M of the Foreign Assistance Act of 1961
13 during the preceding fiscal year, including—

14 (i) the total number of cases sub-
15 mitted, approved, suspended, or rejected
16 for human rights reasons; and

17 (ii) for cases rejected, a description of
18 the steps taken to assist the foreign gov-
19 ernment in taking effective measures to
20 bring the responsible members of the secu-
21 rity forces to justice, in accordance with
22 section 620M(c) of the Foreign Assistance
23 Act of 1961.

1 (B) The report required by this paragraph
2 shall be submitted in unclassified form, but may
3 be accompanied by a classified annex.

4 (10) ANNUAL FOREIGN MILITARY TRAINING RE-
5 PORT.—For the purposes of implementing section
6 656 of the Foreign Assistance Act of 1961, the term
7 “military training provided to foreign military per-
8 sonnel by the Department of Defense and the De-
9 partment of State” shall be deemed to include all
10 military training provided by foreign governments
11 with funds appropriated to the Department of De-
12 fense or the Department of State, except for train-
13 ing provided by the government of a country des-
14 ignated by section 517(b) of such Act as a major
15 non-NATO ally.

16 (11) PROLIFERATION SECURITY INITIATIVE.—
17 Funds appropriated by this Act under the heading
18 “Foreign Military Financing Program” may only be
19 made available to countries that have demonstrated
20 a commitment to stop the proliferation of weapons
21 of mass destruction through participating in the
22 Proliferation Security Initiative (PSI) and endorsing
23 the PSI Statement of Interdiction Principles: *Pro-*
24 *vided*, That the Secretary of State may waive the re-
25 quirement of this paragraph on a country-by-country

1 basis if the Secretary determines and reports to the
2 Committees on Appropriations that to do so is in the
3 national interest, and submits a justification to such
4 Committees for each such waiver on such basis.

5 (c) WORLD FOOD PROGRAMME.—Funds managed by
6 the Bureau for Democracy, Conflict, and Humanitarian
7 Assistance, United States Agency for International Devel-
8 opment, from this or any other Act, may be made available
9 as a general contribution to the World Food Programme,
10 notwithstanding any other provision of law.

11 (d) DIRECTIVES AND AUTHORITIES.—

12 (1) RESEARCH AND TRAINING.—Funds appro-
13 priated by this Act under the heading “Assistance
14 for Europe, Eurasia and Central Asia” shall be
15 made available to carry out the Program for Re-
16 search and Training on Eastern Europe and the
17 Independent States of the Former Soviet Union as
18 authorized by the Soviet-Eastern European Research
19 and Training Act of 1983 (22 U.S.C. 4501 et seq.).

20 (2) GENOCIDE VICTIMS MEMORIAL SITES.—
21 Funds appropriated by this Act and prior Acts mak-
22 ing appropriations for the Department of State, for-
23 eign operations, and related programs under the
24 headings “Economic Support Fund” and “Assist-
25 ance for Europe, Eurasia and Central Asia” may be

1 made available as contributions to establish and
2 maintain memorial sites of genocide, subject to the
3 regular notification procedures of the Committees on
4 Appropriations.

5 (3) ADDITIONAL AUTHORITIES.—Of the
6 amounts made available by title I of this Act under
7 the heading “Diplomatic and Consular Programs”,
8 up to \$500,000 may be made available for grants
9 pursuant to section 504 of Public Law 95–426 (22
10 U.S.C. 2656d), including to facilitate collaboration
11 with indigenous communities, and up to \$1,000,000
12 may be made available for grants to carry out the
13 activities of the Cultural Antiquities Task Force.

14 (4) AUTHORITY.—The USAID Administrator
15 may use funds appropriated by this Act under title
16 III to make innovation incentive awards: *Provided*,
17 That each individual award may not exceed
18 \$100,000: *Provided further*, That no more than 10
19 such awards may be made during fiscal year 2017:
20 *Provided further*, That for purposes of this para-
21 graph the term “innovation incentive award” means
22 the provision of funding on a competitive basis
23 that—

1 (A) encourages and rewards the develop-
2 ment of solutions for a particular, well-defined
3 problem related to the alleviation of poverty; or

4 (B) helps identify and promote a broad
5 range of ideas and practices facilitating further
6 development of an idea or practice by third par-
7 ties.

8 (5) AUTHORITIES FOR THE PEACE CORPS,
9 INTER-AMERICAN FOUNDATION AND UNITED STATES
10 AFRICAN DEVELOPMENT FOUNDATION.—Unless ex-
11 pressly provided to the contrary, provisions of this or
12 any other Act, including provisions contained in
13 prior Acts authorizing or making appropriations for
14 the Department of State, foreign operations, and re-
15 lated programs, shall not be construed to prohibit
16 activities authorized by or conducted under the
17 Peace Corps Act, the Inter-American Foundation
18 Act or the African Development Foundation Act:
19 *Provided*, That prior to conducting activities in a
20 country for which assistance is prohibited, the agen-
21 cy shall consult with the Committees on Appropria-
22 tions and report to such Committees within 15 days
23 of taking such action.

24 (e) PARTNER VETTING.—Funds appropriated by this
25 Act or in titles I through IV of prior Acts making appro-

1 priations for the Department of State, foreign operations,
2 and related programs may be used by the Secretary of
3 State and the USAID Administrator, as appropriate, to
4 support the continued implementation of the Partner Vet-
5 ting System (PVS) pilot program: *Provided*, That the Sec-
6 retary of State and USAID Administrator may initiate a
7 partner vetting program to meet unanticipated security re-
8 quirements, or to make significant modifications to any
9 such existing program, only following consultation with
10 the Committees on Appropriations: *Provided further*, That
11 the first through the third provisos of section 7034(e) of
12 the Department of State, Foreign Operations, and Related
13 Programs Appropriations Act, 2016 (division K of Public
14 Law 114–113) shall continue in effect during fiscal year
15 2017: *Provided further*, That the Secretary of State and
16 the USAID Administrator shall continue to provide a di-
17 rect vetting option for prime awardees.

18 (f) CONTINGENCIES.—During fiscal year 2017, the
19 President may use up to \$125,000,000 under the author-
20 ity of section 451 of the Foreign Assistance Act of 1961,
21 notwithstanding any other provision of law.

22 (g) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
23 retary of State should withhold funds appropriated under
24 title III of this Act for assistance for the central govern-
25 ment of any country that is not taking appropriate steps

1 to comply with the Convention on the Civil Aspects of
2 International Child Abductions, done at the Hague on Oc-
3 tober 25, 1980: *Provided*, That the Secretary shall report
4 to the Committees on Appropriations within 15 days of
5 withholding funds under this subsection.

6 (h) REPORTS REPEALED.—

7 (1) ANNUAL REPORT ON THE ISRAELI-PALES-
8 TINIAN PEACE, RECONCILIATION AND DEMOCRACY
9 FUND.—Section 10 of the Palestinian Anti-Ter-
10 rorism Act of 2006 (Public Law 109–446; 22 U.S.C.
11 2378b note) is amended—

12 (A) by striking subsection (b); and

13 (B) by redesignating subsection (c) as sub-
14 section (b).

15 (2) ANNUAL REPORT ON ASSISTANCE PROVIDED
16 FOR INTERDICTION ACTIONS OF FOREIGN COUN-
17 TRIES.—Section 1012 of the National Defense Au-
18 thorization Act for Fiscal Year 1995 (22 U.S.C.
19 2291–4) is amended—

20 (A) by striking subsection (c); and

21 (B) by redesignating subsection (d) as sub-
22 section (c).

23 (3) REPORTS RELATING TO SUDAN.—The
24 Sudan Peace Act (Public Law 107–245; 50 U.S.C.
25 1701 note) is amended—

1 (A) by striking section 8; and

2 (B) in section 11, by striking subsection

3 (b).

4 (4) ANNUAL REPORT ON OUTSTANDING EXPRO-
5 PRIATION CLAIMS.—Section 527 of the Foreign Re-
6 lations Authorization Act, Fiscal Years 1994 and
7 1995 (Public Law 103–236; 22 U.S.C. 2370a) is
8 amended—

9 (A) by striking subsection (f); and

10 (B) by redesignating subsections (g), (h),
11 and (i) as subsections (f), (g), and (h), respec-
12 tively.

13 (i) TRANSFER OF FUNDS FOR EXTRAORDINARY PRO-
14 TECTION.—The Secretary of State may transfer to, and
15 merge with, funds under the heading “Protection of For-
16 eign Missions and Officials” unobligated balances of ex-
17 pired funds appropriated under the heading “Diplomatic
18 and Consular Programs” for fiscal year 2017, except for
19 funds designated for Overseas Contingency Operations/
20 Global War on Terrorism pursuant to section
21 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, at no later than the end of
23 the fifth fiscal year after the last fiscal year for which such
24 funds are available for the purposes for which appro-

1 priated: *Provided*, That not more than \$50,000,000 may
2 be transferred.

3 (j) PROTECTIONS AND REMEDIES FOR EMPLOYEES
4 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
5 ZATIONS.—Section 7034(k) of the Department of State,
6 Foreign Operations, and Related Programs Appropria-
7 tions Act, 2015 (division J of Public Law 113–235) shall
8 continue in effect during fiscal year 2017.

9 (k) ADDITIONAL AUTHORITIES.—

10 (1) PASSPORT FEES.—Section 1(b)(2) of the
11 Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2))
12 shall be applied by substituting “September 30,
13 2017” for “September 30, 2010”.

14 (2) ACCOUNTABILITY REVIEW BOARDS.—The
15 authority provided by section 301(a)(3) of the Omni-
16 bus Diplomatic Security and Antiterrorism Act of
17 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect
18 for facilities in Afghanistan through September 30,
19 2017, except that the notification and reporting re-
20 quirements contained in such section shall include
21 the Committees on Appropriations.

22 (3) INCENTIVES FOR CRITICAL POSTS.—The
23 authority contained in section 1115(d) of the Sup-
24 plemental Appropriations Act, 2009 (Public Law

1 111–32) shall remain in effect through September
2 30, 2017.

3 (4) FOREIGN SERVICE OFFICER ANNUITANT
4 WAIVER.—Section 824(g) of the Foreign Service Act
5 of 1980 (22 U.S.C. 4064(g)) shall be applied by
6 substituting “September 30, 2017” for “October 1,
7 2010” in paragraph (2).

8 (5) DEPARTMENT OF STATE CIVIL SERVICE AN-
9 NUITANT WAIVER.—Section 61(a) of the State De-
10 partment Basic Authorities Act of 1956 (22 U.S.C.
11 2733(a)) shall be applied by substituting “Sep-
12 tember 30, 2017” for “October 1, 2010” in para-
13 graph (2).

14 (6) USAID CIVIL SERVICE ANNUITANT WAIV-
15 ER.—Section 625(j)(1) of the Foreign Assistance
16 Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied
17 by substituting “September 30, 2017” for “October
18 1, 2010” in subparagraph (B).

19 (7) OVERSEAS PAY COMPARABILITY AND LIM-
20 ITATION.—

21 (A) Subject to the limitation described in
22 subparagraph (B), the authority provided by
23 section 1113 of the Supplemental Appropria-
24 tions Act, 2009 (Public Law 111–32; 123 Stat.

1 1904) shall remain in effect through September
2 30, 2017.

3 (B) The authority described in subpara-
4 graph (A) may not be used to pay an eligible
5 member of the Foreign Service (as defined in
6 section 1113(b) of the Supplemental Appropria-
7 tions Act, 2009) a locality-based comparability
8 payment (stated as a percentage) that exceeds
9 two-thirds of the amount of the locality-based
10 comparability payment (stated as a percentage)
11 that would be payable to such member under
12 section 5304 of title 5, United States Code, if
13 such member's official duty station were in the
14 District of Columbia.

15 (8) CATEGORICAL ELIGIBILITY.—The Foreign
16 Operations, Export Financing, and Related Pro-
17 grams Appropriations Act, 1990 (Public Law 101–
18 167) is amended—

19 (A) in section 599D (8 U.S.C. 1157
20 note)—

21 (i) in subsection (b)(3), by striking
22 “and 2016” and inserting “2016, and
23 2017”;

1 (ii) in subsection (e), by striking
2 “2016” each place it appears and inserting
3 “2017”; and

4 (B) in section 599E (8 U.S.C. 1255 note)
5 in subsection (b)(2), by striking “2016” and in-
6 serting “2017”.

7 (9) INSPECTOR GENERAL ANNUITANT WAIV-
8 ER.—The authorities provided in section 1015(b) of
9 the Supplemental Appropriations Act, 2010 (Public
10 Law 111–212) shall remain in effect through Sep-
11 tember 30, 2017.

12 (10) CODIFICATION OF CONSULAR IMMUNITY.—
13 Section 4 of Public Law 95–393 is amended by in-
14 serting “(a)” at the beginning and inserting the text
15 from section 7056 of the Department of State, For-
16 eign Operations, and Related Programs Appropria-
17 tions Act, 2016 (division K of Public Law 114–113)
18 as subsection (b).

19 (11) UNITED STATES ADVISORY COMMISSION
20 ON PUBLIC DIPLOMACY.—Section 1334 of the For-
21 eign Affairs Reform and Restructuring Act of 1998
22 (22 U.S.C. 6553) shall be applied by substituting
23 “September 30, 2017” for “October 1, 2015”.

24 (12) AFGHAN ALLIES PROTECTION ACT.—Sec-
25 tion 602(b)(3)(F) of the Afghan Allies Protection

1 Act, 2009 (division F of Public Law 111–8), as
2 amended, is further amended by—

3 (A) substituting “11,000” for “7,000” in
4 the matter preceding clause (i); and

5 (B) substituting “December 31, 2017” for
6 “December 31, 2016” in clauses (i) and (ii).

7 (13) INTERNATIONAL EXPOSITIONS.—Notwith-
8 standing section 204 of the Admiral James W.
9 Nance and Meg Donovan Foreign Relations Author-
10 ization Act, Fiscal Years 2000 and 2001 (appendix
11 G of Public Law 106–113), funds made available
12 under the heading “Diplomatic and Consular Pro-
13 grams” in this Act and prior Acts making appro-
14 priations for the Department of State, foreign oper-
15 ations, and related programs or otherwise available
16 to the Department of State may be made available
17 for United States participation in international fairs
18 and expositions abroad occurring prior to September
19 30, 2017: *Provided*, That the authority made avail-
20 able pursuant to this subparagraph shall be subject
21 to the regular notification procedures of the Com-
22 mittees on Appropriations.

23 (14) EXTENSION OF WAR RESERVES STOCKPILE
24 AUTHORITY.—

1 (A) Section 12001(d) of the Department of
2 Defense Appropriations Act, 2005 (Public Law
3 108–287; 118 Stat. 1011) is amended by strik-
4 ing “2017” and inserting “2018”.

5 (B) Section 514(b)(2)(A) of the Foreign
6 Assistance Act of 1961 (22 U.S.C.
7 2321h(b)(2)(A)) is amended by striking “and
8 2017” and inserting “2017, and 2018”.

9 (15) QUORUM REQUIREMENT.—Section 1 of
10 Public Law 106–46 (12 U.S.C. 635a note) is
11 amended by striking “July 21, 1999, and ends on
12 December 2, 1999” and inserting “October 1, 2016,
13 and ends on September 30, 2019”: *Provided*, That
14 the amendment made pursuant to this subparagraph
15 to such law shall take effect upon enactment of this
16 Act.

17 (16) MODIFICATION OF LIFE INSURANCE SUP-
18 PLEMENT.—Section 415(a)(1) of the Foreign Serv-
19 ice Act of 1980 (22 U.S.C. 3975(a)(1)) is amended
20 by adding—“The group life insurance supplement
21 employee benefit paid or scheduled to be paid pursu-
22 ant to this section should not be used to reduce any
23 other payment to which a recipient is otherwise eligi-
24 ble under Federal law.”.

1 (l) DEPARTMENT OF STATE WORKING CAPITAL
2 FUND.—Funds appropriated by this Act or otherwise
3 made available to the Department of State for payments
4 to the Working Capital Fund may only be used for the
5 service centers included in Appendix 1 of the Congres-
6 sional Budget Justification, Department of State, Diplo-
7 matic Engagement, Fiscal Year 2017: *Provided*, That the
8 amounts for such service centers shall be the amounts in-
9 cluded in such budget except as provided in section
10 7015(b) of this Act: *Provided further*, That Federal agency
11 components shall be charged only for their direct usage
12 of each Working Capital Fund service: *Provided further*,
13 That Federal agency components may only pay for Work-
14 ing Capital Fund services that are consistent with the
15 component’s purpose and authorities: *Provided further*,
16 That the Working Capital Fund shall be paid in advance
17 or reimbursed at rates which will return the full cost of
18 each service.

19 (m) HUMANITARIAN ASSISTANCE.—Funds appro-
20 priated by this Act that are available for monitoring and
21 evaluation of assistance under the headings “International
22 Disaster Assistance” and “Migration and Refugee Assist-
23 ance” shall, as appropriate, be made available for the reg-
24 ular collection of feedback obtained directly from bene-
25 ficiaries on the quality and relevance of such assistance:

1 *Provided*, That the Department of State and USAID shall
2 conduct regular oversight to ensure that such feedback is
3 collected and used by implementing partners to maximize
4 the cost-effectiveness and utility of such assistance, and
5 require such partners that receive funds under such head-
6 ings to establish procedures for collecting and responding
7 to such feedback and inform the Department of State or
8 USAID, as appropriate, of such procedures.

9 (n) HIV/AIDS WORKING CAPITAL FUND.—Funds
10 available in the HIV/AIDS Working Capital Fund estab-
11 lished pursuant to section 525(b)(1) of the Foreign Oper-
12 ations, Export Financing, and Related Programs Appro-
13 priations Act, 2005 (Public Law 108–477) may be made
14 available for pharmaceuticals and other products for other
15 global health and child survival activities to the same ex-
16 tent as HIV/AIDS pharmaceuticals and other products,
17 subject to the terms and conditions in such section: *Pro-*
18 *vided*, That the authority in section 525(b)(5) of the For-
19 eign Operations, Export Financing, and Related Programs
20 Appropriation Act, 2005 (Public Law 108–477) shall be
21 exercised by the Assistant Administrator for Global
22 Health, USAID, with respect to funds deposited for such
23 non-HIV/AIDS pharmaceuticals and other products, and
24 shall be subject to the regular notification procedures of
25 the Committees on Appropriations: *Provided further*, That

1 the Secretary of State shall include in the congressional
2 budget justification an accounting of budgetary resources,
3 disbursements, balances, and reimbursements related to
4 such fund.

5 (o) LOANS AND ENTERPRISE FUNDS.—

6 (1) LOAN GUARANTEES.—Funds appropriated
7 under the headings “Economic Support Fund” and
8 “Assistance for Europe, Eurasia and Central Asia”
9 by this Act and prior Acts making appropriations
10 for the Department of State, foreign operations, and
11 related programs may be made available for the
12 costs, as defined in section 502 of the Congressional
13 Budget Act of 1974, of loan guarantees for Jordan,
14 Ukraine, Iraq, and Tunisia, which are authorized to
15 be provided: *Provided*, That amounts made available
16 under this paragraph for the costs of such guaran-
17 tees shall not be considered assistance for the pur-
18 poses of provisions of law limiting assistance to a
19 country.

20 (2) DIRECT LOANS.—During fiscal year 2017,
21 direct loans under section 23 of the Arms Export
22 Control Act may be made available for Iraq, gross
23 obligations for the principal amounts of which shall
24 not exceed \$2,700,000,000: *Provided*, That funds
25 appropriated under the heading “Foreign Military

1 Financing Program” in title VIII of this Act and
2 title VIII of prior Acts making appropriations for
3 the Department of State, foreign operations, and re-
4 lated programs that are designated by the Congress
5 for Overseas Contingency Operations/Global War on
6 Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control
8 Act of 1985, may be made available for the costs,
9 as defined in section 502 of the Congressional Bud-
10 get Act of 1974, of direct loans, except that such
11 funds may not be derived from amounts specifically
12 designated for countries other than Iraq: *Provided*
13 *further*, That such costs, including the cost of modi-
14 fying such loans, shall be as defined in section 502
15 of the Congressional Budget Act of 1974, and may
16 include the costs of selling, reducing, or cancelling
17 any amounts owed to the United States or any agen-
18 cy of the United States by Iraq: *Provided further*,
19 That the Government of the United States may
20 charge fees for such loans, which shall be collected
21 from borrowers in accordance with section 502(7) of
22 the Congressional Budget Act of 1974: *Provided fur-*
23 *ther*, That no funds made available for assistance for
24 Iraq under this or any other Act may be used for
25 payment of any fees associated with such loans: *Pro-*

1 *vided further*, That applicable provisions of section 3
2 of the Arms Export Control Act relating to restric-
3 tions on transfers, re-transfers and end-use shall
4 apply to defense articles and services purchased with
5 such loans: *Provided further*, That in consultation
6 with the Government of Iraq, special emphasis shall
7 be placed on assistance to covered groups (as de-
8 fined in section 1223(e)(2)(D) of the National De-
9 fense Authorization Act for Fiscal Year 2016 (Pub-
10 lic Law 114–92)) with loans made available pursu-
11 ant to this paragraph: *Provided further*, That such
12 loans shall be repaid in not more than 12 years, in-
13 cluding a grace period of up to 1 year on repayment
14 of principal.

15 (3) ENTERPRISE FUNDS.—Funds appropriated
16 under the heading “Economic Support Fund” in
17 this Act may be made available to establish and op-
18 erate one or more enterprise funds for Egypt and
19 Tunisia: *Provided*, That the first, third and fifth
20 provisos under section 7041(b) of the Department of
21 State, Foreign Operations, and Related Programs
22 Appropriations Act, 2012 (division I of Public Law
23 112–74) shall apply to funds appropriated by this
24 Act under the heading “Economic Support Fund”
25 for an enterprise fund or funds to the same extent

1 and in the same manner as such provision of law ap-
2 plied to funds made available under such section (ex-
3 cept that the clause excluding subsection (d)(3) of
4 section 201 of the SEED Act shall not apply): *Pro-*
5 *vided further*, That in addition to the previous pro-
6 viso, the authorities in the matter preceding the first
7 proviso of such section may apply to any such enter-
8 prise fund or funds: *Provided further*, That the au-
9 thority of any such enterprise fund or funds to pro-
10 vide assistance shall cease to be effective on Decem-
11 ber 31, 2027.

12 (4) DESIGNATION REQUIREMENT.—Funds
13 made available pursuant to paragraphs (1) and (2)
14 from prior Acts making appropriations for the De-
15 partment of State, foreign operations, and related
16 programs that were previously designated by the
17 Congress for Overseas Contingency Operations/Glob-
18 al War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985 are designated by
21 the Congress for Overseas Contingency Operations/
22 Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of such Act.

24 (5) CONSULTATION AND NOTIFICATION.—
25 Funds made available pursuant to the authorities of

1 this subsection shall be subject to prior consultation
2 with the appropriate congressional committees, and
3 subject to the regular notification procedures of the
4 Committees on Appropriations.

5 (p) SMALL GRANTS AND ENTITIES.—

6 (1) Of the funds appropriated by this Act under
7 the headings “Development Assistance”, “Economic
8 Support Fund”, and “Assistance for Europe, Eur-
9 asia and Central Asia”, not less than \$50,000,000
10 shall be made available for the Small Grants Pro-
11 gram pursuant to section 7080 of the Department of
12 State, Foreign Operations, and Related Programs
13 Appropriations Act, 2015 (division J of Public Law
14 113–235), as amended, which may remain available
15 until September 30, 2021.

16 (2) For the purposes of section 7080 of division
17 J of Public Law 113–235, “eligible entities” shall be
18 defined, in this fiscal year and each fiscal year here-
19 after, as small local, international, and United
20 States-based nongovernmental organizations, edu-
21 cational institutions, and other small entities that
22 have received less than a total of \$5,000,000 from
23 USAID over the previous 5 fiscal years: *Provided*,
24 That departments or centers of such educational in-

1 stitutions may be considered individually in deter-
2 mining such eligibility.

3 (q) PILOT PROJECT.—The USAID Administrator,
4 following consultation with the Committees on Appropria-
5 tions, shall implement a pilot project with funds appro-
6 priated by this Act under the heading “Global Health Pro-
7 grams” to leverage public and private capital to expand
8 delivery of interventions for maternal and child health.

9 (r) DEFINITIONS.—

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—Unless otherwise defined in this Act, for
12 purposes of this Act the term “appropriate congress-
13 sional committees” means the Committees on Appropria-
14 tions and Foreign Relations of the Senate and
15 the Committees on Appropriations and Foreign Af-
16 fairs of the House of Representatives.

17 (2) FUNDS APPROPRIATED BY THIS ACT AND
18 PRIOR ACTS.—Unless otherwise defined in this Act,
19 for purposes of this Act the term “funds appro-
20 priated by this Act and prior Acts making appro-
21 priations for the Department of State, foreign oper-
22 ations, and related programs” means funds that re-
23 main available for obligation, and have not expired.

24 (3) INTERNATIONAL FINANCIAL INSTITU-
25 TIONS.—In this Act “international financial institu-

1 tions” means the International Bank for Recon-
2 struction and Development, the International Devel-
3 opment Association, the International Finance Cor-
4 poration, the Inter-American Development Bank, the
5 International Monetary Fund, the Asian Develop-
6 ment Bank, the Asian Development Fund, the Inter-
7 American Investment Corporation, the North Amer-
8 ican Development Bank, the European Bank for Re-
9 construction and Development, the African Develop-
10 ment Bank, the African Development Fund, and the
11 Multilateral Investment Guarantee Agency.

12 (4) SOUTHERN KORDOFAN REFERENCE.—Any
13 reference to Southern Kordofan in this or any other
14 Act making appropriations for the Department of
15 State, foreign operations, and related programs shall
16 be deemed to include portions of Western Kordofan
17 that were previously part of Southern Kordofan
18 prior to the 2013 division of Southern Kordofan.

19 (5) USAID.—In this Act, the term “USAID”
20 means the United States Agency for International
21 Development.

22 (6) EXTREMIST ORGANIZATIONS AND EXTRE-
23 MISM.—In this Act—

24 (A) the term “extremist organization”
25 means the Islamic State of Iraq and the Levant

1 (ISIL); organizations affiliated with ISIL; a
2 foreign organization that is determined to be
3 engaged in terrorist activity, as defined in sec-
4 tion 212(a)(3)(B) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1182); and other enti-
6 ties designated as foreign terrorist organiza-
7 tions pursuant to section 219 of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1189);

9 (B) the term “extremist” means an indi-
10 vidual affiliated with an extremist organization,
11 as defined in subparagraph (A); and

12 (C) the term “extremism” means the advo-
13 cacy or use of violence by such organizations or
14 individuals to achieve political or religious goals.

15 (7) CLARIFICATION.—Unless otherwise provided
16 for in this Act, for the purposes of this Act the
17 terms “under this heading”, “under the heading”, or
18 “under the headings” means funds appropriated or
19 otherwise made available under such heading or
20 headings in all titles of this Act: *Provided*, That the
21 term “under the heading in this title” means funds
22 appropriated or otherwise made available only in
23 such title.

24 (8) SPEND PLAN.—In this Act, the term
25 “spend plan” means a plan for the utilization of

1 funds appropriated for a particular entity, country,
2 program, purpose, or account and which shall in-
3 clude, as appropriate, a description of—

4 (A) how such funds will be used, including
5 by category such as personnel, training, tech-
6 nical, infrastructure, and commodities, to
7 achieve realistic and sustainable goals, and a
8 timeline for achieving such goals;

9 (B) implementing partners, including by
10 category such as government ministries, non-
11 governmental organizations, and contractors, to
12 the extent known;

13 (C) amounts and sources of funds by ac-
14 count;

15 (D) criteria for measuring progress in
16 achieving such goals; and

17 (E) how such funds will complement other
18 ongoing or planned programs.

19 (s) CONCURRENT MILLENNIUM CHALLENGE COR-
20 PORATION COMPACTS.—

21 (1) Section 609 of the Millennium Challenge
22 Act of 2003 (22 U.S.C. 7708) is amended—

23 (A) in subsection (k) by striking the first
24 sentence; and

1 (B) by adding after subsection (k) the fol-
2 lowing new subsection:

3 “(l) CONCURRENT COMPACTS.—An eligible country
4 and the United States that have entered into and have
5 in effect a Compact under this section may enter into and
6 have in effect at the same time not more than one addi-
7 tional Compact in accordance with the requirements of
8 this title if—

9 “(1) one or both of the Compacts are or will be
10 for the purposes of economic integration, increased
11 regional trade, or cross-border collaborations; and

12 “(2) the Board determines that the country is
13 making considerable and demonstrable progress in
14 implementing the terms of any existing Compacts
15 and supplementary agreements thereto, and has sus-
16 tained performance against the eligibility criteria in
17 section 7706(b) of this title since being selected for
18 such existing Compact.”.

19 (2) The amendments made by paragraph (1)
20 shall apply with respect to Compacts entered into
21 under the Millennium Challenge Act of 2003 (22
22 U.S.C. 7701 et seq.) before, on, or after the date of
23 enactment of this Act.

24 (3) Section 613(b)(2)(A) of the Millennium
25 Challenge Act of 2003 (22 U.S.C. 7712(b)(2)(A)) is

1 amended by striking “the” before “Compact” and
2 inserting “any”.

3 (4) Section 607 of the Millennium Challenge
4 Act of 2003 (22 U.S.C. 7706) is amended:

5 (A) in subsection (a) by adding after the
6 second sentence the following new sentence:

7 “In determining whether such country is eligi-
8 ble for a subsequent, non-concurrent Millennium
9 Challenge Compact, such determination shall also be
10 based on significantly improved performance across
11 the eligibility criteria in subsection (b), compared to
12 such country’s performance against such eligibility
13 criteria when selected for a preceding compact, to be
14 defined pursuant to section 7707(b) of this title.”;

15 (B) in subsection (b)(1)(D), by striking
16 “and”;

17 (C) in subsection (b)(1)(E), by inserting
18 “and” after the semicolon, and adding the fol-
19 lowing new subparagraph:

20 “(F) the quality of the civil society ena-
21 bling environment;”;

22 (D) by redesignating subsections (d) and
23 (e) as subsections (e) and (f), respectively; and

24 (E) by inserting after subsection (c) the
25 following new subsection:

1 “(d) REPORTING ON TREATMENT OF CIVIL SOCIETY.—Before the Board selects an eligible country for a
2 Compact under section 607(c), the Corporation shall provide to the Board information on the country’s treatment
3 of civil society. The information shall include an assessment and analysis of—
4
5

6 “(1) any relevant laws governing the establishment, legal status, or activities of a civil society organization, including laws intended to limit the activities of civil society organizations; and
7
8
9
10

11 “(2) laws regulating freedom of expression and peaceful assembly, including usage of the Internet.”.
12

13 ARAB LEAGUE BOYCOTT OF ISRAEL

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

15 (1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace
16 in the region and to United States investment and trade in the Middle East and North Africa;
17
18

19 (2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;
20
21
22

23 (3) all Arab League states should normalize relations with their neighbor Israel;
24
25

1 (A) has demonstrated a firm commitment
2 to peaceful co-existence with the State of Israel;
3 and

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

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

18 (A) termination of all claims or states of
19 belligerency;

20 (B) respect for and acknowledgment of the
21 sovereignty, territorial integrity, and political
22 independence of every state in the area through
23 measures including the establishment of demili-
24 tarized zones;

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

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

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

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

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

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

1 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
2 BROADCASTING CORPORATION

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

8 ASSISTANCE FOR THE WEST BANK AND GAZA

9 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2017,
10 30 days prior to the initial obligation of funds for the bi-
11 lateral West Bank and Gaza Program, the Secretary of
12 State shall certify to the Committees on Appropriations
13 that procedures have been established to assure the Comp-
14 troller General of the United States will have access to
15 appropriate United States financial information in order
16 to review the uses of United States assistance for the Pro-
17 gram funded under the heading “Economic Support
18 Fund” for the West Bank and Gaza.

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

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

14 (c) PROHIBITION.—

15 (1) RECOGNITION OF ACTS OF TERRORISM.—

16 None of the funds appropriated under titles III
17 through VI of this Act for assistance under the West
18 Bank and Gaza Program may be made available for
19 the purpose of recognizing or otherwise honoring in-
20 dividuals who commit, or have committed acts of
21 terrorism.

22 (2) SECURITY ASSISTANCE AND REPORTING RE-
23 QUIREMENT.—Notwithstanding any other provision
24 of law, none of the funds made available by this or
25 prior appropriations Acts, including funds made

1 available by transfer, may be made available for obli-
2 gation for security assistance for the West Bank and
3 Gaza until the Secretary of State reports to the
4 Committees on Appropriations on the benchmarks
5 that have been established for security assistance for
6 the West Bank and Gaza and reports on the extent
7 of Palestinian compliance with such benchmarks.

8 (d) AUDITS BY THE UNITED STATES AGENCY FOR
9 INTERNATIONAL DEVELOPMENT.—

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

18 (2) Of the funds appropriated by this Act up to
19 \$500,000 may be used by the Office of Inspector
20 General of the United States Agency for Inter-
21 national Development for audits, inspections, and
22 other activities in furtherance of the requirements of
23 this subsection: *Provided*, That such funds are in ad-
24 dition to funds otherwise available for such pur-
25 poses.

1 (e) COMPTROLLER GENERAL OF THE UNITED
2 STATES AUDIT.—Subsequent to the certification specified
3 in subsection (a), the Comptroller General of the United
4 States shall conduct an audit and an investigation of the
5 treatment, handling, and uses of all funds for the bilateral
6 West Bank and Gaza Program, including all funds pro-
7 vided as cash transfer assistance, in fiscal year 2017
8 under the heading “Economic Support Fund”, and such
9 audit shall address—

10 (1) the extent to which such Program complies
11 with the requirements of subsections (b) and (c);
12 and

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

16 (f) NOTIFICATION PROCEDURES.—Funds made
17 available in this Act for West Bank and Gaza shall be
18 subject to the regular notification procedures of the Com-
19 mittees on Appropriations.

20 (g) REPORT.—Not later than 180 days after enact-
21 ment of this Act, the Secretary of State shall submit a
22 report to the Committees on Appropriations updating the
23 report contained in section 2106 of chapter 2 of title II
24 of the Emergency Supplemental Appropriations Act for

1 *vided*, That the report shall also detail the steps the Pales-
2 tinian Authority has taken to arrest terrorists, confiscate
3 weapons and dismantle the terrorist infrastructure.

4 (e) CERTIFICATION.—If the President exercises the
5 waiver authority under subsection (b), the Secretary of
6 State must certify and report to the Committees on Ap-
7 propriations prior to the obligation of funds that the Pal-
8 estinian Authority has established a single treasury ac-
9 count for all Palestinian Authority financing and all fi-
10 nancing mechanisms flow through this account, no parallel
11 financing mechanisms exist outside of the Palestinian Au-
12 thority treasury account, and there is a single comprehen-
13 sive civil service roster and payroll, and the Palestinian
14 Authority is acting to counter incitement of violence
15 against Israelis and is supporting activities aimed at pro-
16 moting peace, coexistence, and security cooperation with
17 Israel.

18 (f) PROHIBITION TO HAMAS AND THE PALESTINE
19 LIBERATION ORGANIZATION.—

20 (1) None of the funds appropriated in titles III
21 through VI of this Act may be obligated for salaries
22 of personnel of the Palestinian Authority located in
23 Gaza or may be obligated or expended for assistance
24 to Hamas or any entity effectively controlled by
25 Hamas, any power-sharing government of which

1 Hamas is a member, or that results from an agree-
2 ment with Hamas and over which Hamas exercises
3 undue influence.

4 (2) Notwithstanding the limitation of paragraph
5 (1), assistance may be provided to a power-sharing
6 government only if the President certifies and re-
7 ports to the Committees on Appropriations that such
8 government, including all of its ministers or such
9 equivalent, has publicly accepted and is complying
10 with the principles contained in section 620K(b)(1)
11 (A) and (B) of the Foreign Assistance Act of 1961,
12 as amended.

13 (3) The President may exercise the authority in
14 section 620K(e) of the Foreign Assistance Act of
15 1961, as added by the Palestinian Anti-Terrorism
16 Act of 2006 (Public Law 109–446) with respect to
17 this subsection.

18 (4) Whenever the certification pursuant to
19 paragraph (2) is exercised, the Secretary of State
20 shall submit a report to the Committees on Appro-
21 priations within 120 days of the certification and
22 every quarter thereafter on whether such govern-
23 ment, including all of its ministers or such equiva-
24 lent are continuing to comply with the principles
25 contained in section 620K(b)(1) (A) and (B) of the

1 Foreign Assistance Act of 1961, as amended: *Pro-*
2 *vided*, That the report shall also detail the amount,
3 purposes and delivery mechanisms for any assistance
4 provided pursuant to the abovementioned certifi-
5 cation and a full accounting of any direct support of
6 such government.

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

10 MIDDLE EAST AND NORTH AFRICA

11 SEC. 7041. (a) EGYPT.—

12 (1) CERTIFICATION AND REPORT.—Funds ap-
13 propriated by this Act that are available for assist-
14 ance for Egypt may be made available notwith-
15 standing any other provision of law restricting as-
16 sistance for Egypt, except for section 620M of the
17 Foreign Assistance Act of 1961, and may only be
18 made available for assistance for the Government of
19 Egypt if the Secretary of State certifies and reports
20 to the Committees on Appropriations that such gov-
21 ernment is—

22 (A) sustaining the strategic relationship
23 with the United States; and

24 (B) meeting its obligations under the 1979
25 Egypt-Israel Peace Treaty.

1 (2) ECONOMIC SUPPORT FUND.—

2 (A) FUNDING.—Of the funds appropriated
3 by this Act under the heading “Economic Sup-
4 port Fund”, up to \$75,000,000 may be made
5 available for assistance for Egypt, of which not
6 less than \$35,000,000 should be made available
7 for higher education programs including not
8 less than \$10,000,000 for scholarships for
9 Egyptian students with high financial need to
10 attend not-for-profit institutions of higher edu-
11 cation that meet standards equivalent to those
12 required for United States institutional accredi-
13 tation by a regional accrediting agency recog-
14 nized by the United States Department of Edu-
15 cation: *Provided*, That such funds may be made
16 available for democracy programs and for devel-
17 opment programs in the Sinai: *Provided further*,
18 That such funds may not be made available for
19 cash transfer assistance or budget support un-
20 less the Secretary of State certifies and reports
21 to the appropriate congressional committees
22 that the Government of Egypt is taking con-
23 sistent and effective steps to stabilize the econ-
24 omy and implement market-based economic re-
25 forms.

1 (B) WITHHOLDING.—The Secretary of
2 State shall withhold from obligation funds ap-
3 propriated by this Act under the heading “Eco-
4 nomic Support Fund” for assistance for Egypt,
5 an amount of such funds that the Secretary de-
6 termines to be equivalent to that expended by
7 the United States Government for bail, and by
8 nongovernmental organizations for legal and
9 court fees, associated with democracy-related
10 trials in Egypt until the Secretary certifies and
11 reports to the Committees on Appropriations
12 that the Government of Egypt has dismissed
13 the convictions issued by the Cairo Criminal
14 Court on June 4, 2013, in “Public Prosecution
15 Case No. 1110 for the Year 2012”.

16 (3) COOPERATION DETERMINATION.—Notwith-
17 standing section 7019 of this Act or specifically des-
18 ignated funding levels for assistance for Egypt in
19 prior Acts making appropriations for the Depart-
20 ment of State, foreign operations, and related pro-
21 grams, funds appropriated by such Acts under the
22 heading “Economic Support Fund” that remain
23 available for assistance for Egypt may be repro-
24 grammed for programs outside of Egypt if the Sec-
25 retary of State determines and reports to the Com-

1 mittees on Appropriations that the Government of
2 Egypt is prohibiting, or otherwise interfering with,
3 the conduct or operations of programs supported by
4 such funds: *Provided*, That the Secretary of State
5 shall consult with the Committees on Appropriations
6 prior to exercising such authority.

7 (4) FOREIGN MILITARY FINANCING PRO-
8 GRAM.—

9 (A) CERTIFICATION.—Of the funds appro-
10 priated by this Act under the heading “Foreign
11 Military Financing Program”, \$1,300,000,000,
12 to remain available until September 30, 2018,
13 may be made available for assistance for Egypt:
14 *Provided*, That 15 percent of such funds shall
15 be withheld from obligation until the Secretary
16 of State certifies and reports to the Committees
17 on Appropriations that the Government of
18 Egypt is taking effective steps to—

19 (i) advance democracy and human
20 rights in Egypt, including to govern demo-
21 cratically and protect religious minorities
22 and the rights of women, which are in ad-
23 dition to steps taken during the previous
24 calendar year for such purposes;

1 (ii) implement reforms that protect
2 freedoms of expression, association, and
3 peaceful assembly, including the ability of
4 civil society organizations, human rights
5 defenders, and the media to function with-
6 out interference;

7 (iii) release political prisoners and
8 provide detainees with due process of law;

9 (iv) hold Egyptian security forces ac-
10 countable, including officers credibly al-
11 leged to have violated human rights;

12 (v) investigate and prosecute cases of
13 extrajudicial killings and forced disappear-
14 ances, including the torture and murder of
15 Giulio Regeni, a University of Cambridge
16 doctoral student; and

17 (vi) provide regular access for United
18 States officials to monitor such assistance
19 in areas where the assistance is used:

20 *Provided further,* That such funds may be
21 transferred to an interest bearing account in
22 the Federal Reserve Bank of New York, fol-
23 lowing consultation with the Committees on Ap-
24 propriations: *Provided further,* That the certifi-
25 cation requirement of this paragraph shall not

1 apply to funds appropriated by this Act under
2 such heading for counterterrorism, border secu-
3 rity, and nonproliferation programs for Egypt.

4 (B) WAIVER.—The Secretary of State may
5 waive the certification requirement in subpara-
6 graph (A) if the Secretary determines and re-
7 ports to the Committees on Appropriations that
8 to do so is important to the national security
9 interest of the United States, and submits a re-
10 port to such Committees containing a detailed
11 justification for the use of such waiver and the
12 reasons why any of the requirements of sub-
13 paragraph (A) cannot be met.

14 (5) OVERSIGHT AND CONSULTATION REQUIRE-
15 MENTS.—

16 (A) The Secretary of State shall take all
17 practicable steps to ensure that mechanisms are
18 in place for monitoring, oversight, and control
19 of funds made available by this subsection for
20 assistance for Egypt.

21 (B) Not later than 90 days after enact-
22 ment of this Act, the Secretary shall consult
23 with the Committees on Appropriations on any
24 plan to restructure military assistance for
25 Egypt.

1 (b) IRAN.—

2 (1) FUNDING.—Funds appropriated by this Act
3 under the headings “Diplomatic and Consular Pro-
4 grams”, “Economic Support Fund”, and “Non-
5 proliferation, Anti-terrorism, Demining and Related
6 Programs” shall be used by the Secretary of State—

7 (A) to support the United States policy to
8 prevent Iran from achieving the capability to
9 produce or otherwise obtain a nuclear weapon;

10 (B) to support an expeditious response to
11 any violation of the Joint Comprehensive Plan
12 of Action or United Nations Security Council
13 Resolution 2231;

14 (C) to support the implementation and en-
15 forcement of sanctions against Iran for support
16 of terrorism, human rights abuses, and ballistic
17 missile and weapons proliferation; and

18 (D) for democracy programs for Iran, to
19 be administered by the Assistant Secretary for
20 Near Eastern Affairs, Department of State, in
21 consultation with the Assistant Secretary for
22 Democracy, Human Rights, and Labor, Depart-
23 ment of State.

24 (2) CONTINUATION OF PROHIBITION.—The
25 terms and conditions of paragraph (2) of section

1 7041(e) in division I of Public Law 112–74 shall
2 continue in effect during fiscal year 2017.

3 (3) REPORTS.—

4 (A) The Secretary of State shall submit to
5 the Committees on Appropriations the semi-an-
6 nual report required by section 2 of the Iran
7 Nuclear Agreement Review Act of 2015 (42
8 U.S.C. 2160e(d)(4)).

9 (B) Not later than 180 days after the date
10 of enactment of this Act, the Secretary of
11 State, in consultation with the Secretary of the
12 Treasury, shall submit to the appropriate con-
13 gressional committees a report on the status of
14 the implementation and enforcement of bilateral
15 United States and multilateral sanctions
16 against Iran and actions taken by the United
17 States and the international community to en-
18 force such sanctions against Iran: *Provided*,
19 That the report shall also include any entities
20 involved in providing significant support for the
21 development of a ballistic missile by the Govern-
22 ment of Iran after October 1, 2015, and note
23 whether such entities are currently under
24 United States sanctions: *Provided further*, That
25 such report shall be submitted in an unclassi-

1 fied form, but may contain a classified annex if
2 necessary.

3 (C) Not later than 30 days after the date
4 of enactment of this Act, the Secretary of
5 State, in consultation with the Secretary of the
6 Treasury, shall submit to Congress a report
7 that includes, with respect to a transfer to Iran
8 of \$1,700,000,000 that was overseen by the De-
9 partment of the Treasury and announced on
10 January 17, 2016—

11 (i) a description of the means of
12 transfer of the funds;

13 (ii) the name and location of each fi-
14 nancial institution the funds passed
15 through or were withdrawn from;

16 (iii) a description of the currency de-
17 nominations used in the transfer and the
18 method of transfer, including third-party
19 and third-country facilitators;

20 (iv) the name and location of each fi-
21 nancial institution holding the funds as of
22 the date of the report;

23 (v) the date on which the Department
24 of the Treasury was granted the authority
25 to process the transfer;

1 (vi) an assessment and determination
2 of whether the \$1,300,000,000 paid in in-
3 terest, which is in addition to the
4 \$400,000,000 amount initially in dispute,
5 is a normal amount for an arbitration
6 panel to award; and

7 (vii) a determination of whether the
8 Department of the Treasury was involved
9 in the international arbitration relating to
10 the release of any United States citizens
11 formerly held prisoner in Iran:

12 *Provided*, That such report shall be submitted
13 in unclassified form, but may include a classi-
14 fied annex.

15 (c) IRAQ.—

16 (1) PURPOSES.—Funds appropriated by this
17 Act shall be made available for assistance for Iraq
18 to promote governance, security, and internal and
19 regional stability, including in the Kurdistan Region
20 of Iraq and other areas impacted by the conflict in
21 Syria, and among religious and ethnic minority pop-
22 ulations in Iraq.

23 (2) EXPLOSIVE ORDNANCE DISPOSAL PRO-
24 GRAMS.—Funds appropriated by this Act under the
25 heading “Nonproliferation, Anti-terrorism, Demining

1 and Related Programs” shall be made available for
2 explosive ordnance disposal programs in areas liber-
3 ated from extremist organizations in Iraq: *Provided*,
4 That such programs should utilize local organiza-
5 tions and individuals to the maximum extent prac-
6 ticable.

7 (3) KURDISTAN REGIONAL GOVERNMENT.—

8 (A) Funds appropriated by this Act under
9 the headings “International Narcotics Control
10 and Law Enforcement” and “Foreign Military
11 Financing Program” that are available for as-
12 sistance for Iraq shall be made available to en-
13 hance the capacity of Kurdistan Regional Gov-
14 ernment security services and for security pro-
15 grams in the Kurdistan Region of Iraq to ad-
16 dress requirements arising from the violence in
17 Syria and Iraq: *Provided*, That the Secretary of
18 State shall consult with the Committees on Ap-
19 propriations prior to obligating such funds.

20 (B) Funds appropriated by this Act under
21 the headings “International Disaster Assist-
22 ance” and “Migration and Refugee Assistance”
23 should be made available for assistance for the
24 Kurdistan Region of Iraq to address the needs
25 of internally displaced persons (IDPs) and refu-

1 gees: *Provided*, That funds appropriated by this
2 Act under the heading “Economic Support
3 Fund” shall be made available for programs to
4 mitigate the impact of such IDPs and refugees
5 in such Region, including for assistance for
6 communities hosting such persons.

7 (4) WAR VICTIMS.—Of the funds appropriated
8 by this Act under the heading “Economic Support
9 Fund”, not less than \$7,500,000 shall be made
10 available for the Marla Ruzicka Iraqi War Victims
11 Fund.

12 (d) JORDAN.—

13 (1) FUNDING LEVELS.—Of the funds appro-
14 priated by this Act under titles III and IV, not less
15 than \$1,000,000,000 shall be made available for as-
16 sistance for Jordan.

17 (2) RESPONSE TO THE SYRIAN CRISIS.—Funds
18 appropriated by this Act shall be made available for
19 programs to implement the Jordan Compact Action
20 Plan and the Jordan Response Plan for the Syria
21 Crisis 2016–2018, including assistance for host com-
22 munities in Jordan: *Provided*, That such funds are
23 in addition to amounts otherwise available for such
24 purposes.

25 (e) LEBANON.—

1 (1) LIMITATION.—None of the funds appro-
2 priated by this Act may be made available for the
3 Lebanese Internal Security Forces (ISF) or the Leb-
4 anese Armed Forces (LAF) if the ISF or the LAF
5 is controlled by a foreign terrorist organization, as
6 designated pursuant to section 219 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1189).

8 (2) CONSULTATION REQUIREMENT.—Funds ap-
9 propriated by this Act under the headings “Inter-
10 national Narcotics Control and Law Enforcement”
11 and “Foreign Military Financing Program” that are
12 available for assistance for Lebanon may be made
13 available for programs and equipment for the ISF
14 and the LAF to address security and stability re-
15 quirements in Lebanon, including in areas affected
16 by the conflict in Syria, following consultation with
17 the appropriate congressional committees.

18 (3) ECONOMIC SUPPORT FUND.—Funds appro-
19 priated by this Act under the heading “Economic
20 Support Fund” that are available for assistance for
21 Lebanon may be made available notwithstanding
22 section 1224 of the Foreign Relations Authorization
23 Act, Fiscal Year 2003 (Public Law 107–228; 22
24 U.S.C. 2346 note).

1 (4) FOREIGN MILITARY FINANCING PRO-
2 GRAM.—In addition to the activities described in
3 paragraph (2), funds appropriated by this Act under
4 the heading “Foreign Military Financing Program”
5 for assistance for Lebanon may be made available
6 only to professionalize the LAF and to strengthen
7 border security and combat terrorism, including
8 training and equipping the LAF to secure Lebanon’s
9 borders, interdicting arms shipments, preventing the
10 use of Lebanon as a safe haven for terrorist groups,
11 and to implement United Nations Security Council
12 Resolution 1701: *Provided*, That funds may not be
13 obligated for assistance for the LAF until the Sec-
14 retary of State submits to the Committees on Appro-
15 priations a spend plan, including actions to be taken
16 to ensure equipment provided to the LAF is only
17 used for the intended purposes, except such plan
18 may not be considered as meeting the notification
19 requirements under section 7015 of this Act or
20 under section 634A of the Foreign Assistance Act of
21 1961, and shall be submitted not later than Sep-
22 tember 1, 2017: *Provided further*, That any notifica-
23 tion submitted pursuant to such sections shall in-
24 clude any funds specifically intended for lethal mili-
25 tary equipment.

1 (f) LIBYA.—

2 (1) FUNDING.—

3 (A) Of the funds appropriated by titles III
4 and IV of this Act, not less than \$20,500,000
5 shall be made available for assistance for Libya
6 for programs to strengthen governing institu-
7 tions and civil society, improve border security,
8 and promote democracy and stability in Libya,
9 and for activities to address the humanitarian
10 needs of the people of Libya.

11 (B) Funds appropriated by this Act under
12 the heading “Nonproliferation, Anti-terrorism,
13 Demining and Related Programs” shall be
14 made available for explosive ordnance disposal
15 programs in areas liberated from extremist or-
16 ganizations in Libya: *Provided*, That such pro-
17 grams should utilize local organizations and in-
18 dividuals to the maximum extent practicable.

19 (C) Funds appropriated under title IV of
20 this Act and prior Acts making appropriations
21 for the Department of State, foreign operations,
22 and related programs that are made available
23 for lethal assistance for Libya may only be
24 made available following consultation with the
25 Committees on Appropriations.

1 (D) The Secretary of State shall promptly
2 inform the appropriate congressional commit-
3 tees of each instance in which a significant
4 amount of assistance provided pursuant to this
5 subsection has been misappropriated, to include
6 the type and amount of assistance, a descrip-
7 tion of the incident and parties involved, and an
8 explanation of the response of the Department
9 of State.

10 (2) LIMITATIONS.—

11 (A) COOPERATION ON THE SEPTEMBER
12 2012 ATTACK ON UNITED STATES PERSONNEL
13 AND FACILITIES.—None of the funds appro-
14 priated by this Act may be made available for
15 assistance for the central Government of Libya
16 unless the Secretary of State certifies and re-
17 ports to the Committees on Appropriations that
18 such government is cooperating with United
19 States Government efforts to investigate and
20 bring to justice those responsible for the attack
21 on United States personnel and facilities in
22 Benghazi, Libya in September 2012: *Provided,*
23 That the limitation in this paragraph shall not
24 apply to funds made available for the purpose

1 of protecting United States Government per-
2 sonnel or facilities.

3 (B) INFRASTRUCTURE PROJECTS.—The
4 limitation on the uses of funds in section
5 7041(f)(2) of the Department of State, Foreign
6 Operations, and Related Programs Appropria-
7 tions Act, 2014 (division K of Public Law 113–
8 76) shall apply to funds appropriated by this
9 Act that are made available for assistance for
10 Libya.

11 (3) CERTIFICATION REQUIREMENT.—Prior to
12 the initial obligation of funds made available by this
13 Act for assistance for Libya, the Secretary of State
14 shall certify and report to the Committees on Appro-
15 priations that all practicable steps have been taken
16 to ensure that mechanisms are in place for moni-
17 toring, oversight, and control of funds made avail-
18 able by this subsection for assistance for Libya, in-
19 cluding a description of the vetting procedures to be
20 used for recipients of assistance made available
21 under title IV of this Act.

22 (g) MOROCCO.—Funds appropriated by this Act
23 under the heading “Foreign Military Financing Program”
24 that are available for assistance for Morocco may only be
25 used for the purposes requested in the Congressional

1 Budget Justification, Foreign Operations, Fiscal Year
2 2017.

3 (h) SYRIA.—

4 (1) NON-LETHAL ASSISTANCE.—Funds appro-
5 priated by this Act under the headings “Economic
6 Support Fund”, “International Narcotics Control
7 and Law Enforcement”, and “Peacekeeping Oper-
8 ations” shall be made available, notwithstanding any
9 other provision of law, for non-lethal assistance for
10 programs to address the needs of civilians affected
11 by conflict in Syria, and for programs that seek to—

12 (A) establish governance in Syria that is
13 representative, inclusive, and accountable;

14 (B) empower women through political and
15 economic programs, and address the psycho-
16 social needs of women and their families in
17 Syria and neighboring countries;

18 (C) develop and implement political proc-
19 esses that are democratic, transparent, and
20 strengthen the rule of law;

21 (D) further the legitimacy and viability of
22 the Syrian opposition through cross-border pro-
23 grams;

24 (E) develop and sustain civil society and
25 an independent media in Syria;

1 (F) promote stability and economic devel-
2 opment in Syria, including in areas liberated
3 from extremists;

4 (G) document, investigate, and prosecute
5 human rights violations in Syria, including
6 through transitional justice programs and sup-
7 port for nongovernmental organizations;

8 (H) expand the role of women in negotia-
9 tions to end the violence and in any political
10 transition in Syria;

11 (I) assist Syrian refugees whose education
12 has been interrupted by the ongoing conflict to
13 complete higher education requirements at uni-
14 versities, regional academic institutions, and
15 through distance learning;

16 (J) assist vulnerable populations in Syria
17 and in neighboring countries;

18 (K) protect and preserve the cultural iden-
19 tity of the people of Syria, particularly those
20 living in neighboring countries and among the
21 youth, and promote the use of traditional art,
22 music, and literature as a counterbalance to ex-
23 tremism;

1 (L) protect and preserve cultural heritage
2 sites in Syria, particularly those damaged and
3 destroyed by extremists; and

4 (M) counter extremism in Syria.

5 (2) EXPLOSIVE ORDNANCE DISPOSAL PRO-
6 GRAMS.—Funds appropriated by this Act under the
7 heading “Nonproliferation, Anti-terrorism, Demining
8 and Related Programs” shall be made available for
9 explosive ordnance disposal programs in areas liber-
10 ated from extremist organizations in Syria: *Pro-*
11 *vided*, That such programs should utilize local orga-
12 nizations and individuals to the maximum extent
13 practicable.

14 (3) SYRIAN ORGANIZATIONS.—Funds appro-
15 priated by this Act that are made available for as-
16 sistance for Syria pursuant to the authority of this
17 subsection shall be made available, on an open and
18 competitive basis, to continue a program to strength-
19 en the capability of Syrian civil society organiza-
20 tions, including through the provision of core sup-
21 port, to address the immediate and long-term needs
22 of the Syrian people inside Syria in a manner that
23 supports the sustainability of such organizations in
24 implementing Syrian-led humanitarian and develop-
25 ment programs and the comprehensive strategy re-

1 quired in section 7041(i)(3) of the Department of
2 State, Foreign Operations, and Related Programs
3 Appropriations Act, 2014 (division K of Public Law
4 113–76).

5 (4) STRATEGY UPDATE.—Funds appropriated
6 by this Act that are made available for assistance for
7 Syria pursuant to the authority of this subsection
8 may only be made available after the Secretary of
9 State, in consultation with the heads of relevant
10 United States Government agencies, submits, in
11 classified form if necessary, an update to the com-
12 prehensive strategy required in section 7041(i)(3) of
13 Public Law 113–76.

14 (5) MONITORING AND OVERSIGHT.—Prior to
15 the obligation of funds appropriated by this Act and
16 made available for assistance for Syria, the Sec-
17 retary of State shall take all practicable steps to en-
18 sure that mechanisms are in place for monitoring,
19 oversight, and control of such assistance inside
20 Syria, and shall provide the Committees on Appro-
21 priations with a description of the vetting procedures
22 to be used for recipients of assistance made available
23 under title IV of this Act: *Provided*, That the Sec-
24 retary shall promptly inform the appropriate con-
25 gressional committees of each instance in which a

1 significant amount of assistance provided pursuant
2 to this subsection has been misappropriated, to in-
3 clude the type and amount of assistance, a descrip-
4 tion of the incident and parties involved, and an ex-
5 planation of the response of the Department of
6 State.

7 (6) CONSULTATION AND NOTIFICATION.—
8 Funds made available pursuant to this subsection
9 may only be made available following consultation
10 with the appropriate congressional committees, and
11 shall be subject to the regular notification proce-
12 dures of the Committees on Appropriations.

13 (i) TUNISIA.—Of the funds appropriated under titles
14 III and IV of this Act, not less than \$145,400,000 shall
15 be made available for assistance for Tunisia: *Provided*,
16 That of funds appropriated by this Act under the heading
17 “Economic Support Fund” that are made available for as-
18 sistance for Tunisia, not less than \$28,300,000 shall be
19 made available for democracy programs, of which not less
20 than \$5,000,000 shall be for programs that seek to—

21 (1) engage Tunisian youth in political proc-
22 esses, including through participation in political
23 parties and civil society; and

24 (2) empower regional and local governing coun-
25 cils through training focused on budgeting, fiscal

1 policy, decision-making processes, and engagement
2 with local civil society organizations:

3 *Provided further*, That the Department of State and
4 USAID, as appropriate, shall consult on the uses of funds
5 appropriated by this Act for democracy programs for Tu-
6 nisia prior to the obligation of such funds.

7 (j) WEST BANK AND GAZA.—

8 (1) REPORT ON ASSISTANCE.—Prior to the ini-
9 tial obligation of funds made available by this Act
10 under the heading “Economic Support Fund” for
11 assistance for the West Bank and Gaza, the Sec-
12 retary of State shall report to the Committees on
13 Appropriations that the purpose of such assistance
14 is to—

15 (A) advance Middle East peace;

16 (B) improve security in the region;

17 (C) continue support for transparent and
18 accountable government institutions;

19 (D) promote a private sector economy; or

20 (E) address urgent humanitarian needs.

21 (2) LIMITATIONS.—

22 (A)(i) None of the funds appropriated
23 under the heading “Economic Support Fund”
24 in this Act may be made available for assistance

1 for the Palestinian Authority, if after the date
2 of enactment of this Act—

3 (I) the Palestinians obtain the same
4 standing as member states or full member-
5 ship as a state in the United Nations or
6 any specialized agency thereof outside an
7 agreement negotiated between Israel and
8 the Palestinians; or

9 (II) the Palestinians initiate an Inter-
10 national Criminal Court (ICC) judicially
11 authorized investigation, or actively sup-
12 port such an investigation, that subjects
13 Israeli nationals to an investigation for al-
14 leged crimes against Palestinians.

15 (ii) The Secretary of State may waive the
16 restriction in clause (i) of this subparagraph re-
17 sulting from the application of subclause (I) of
18 such clause if the Secretary certifies to the
19 Committees on Appropriations that to do so is
20 in the national security interest of the United
21 States, and submits a report to such Commit-
22 tees detailing how the waiver and the continu-
23 ation of assistance would assist in furthering
24 Middle East peace.

1 (B)(i) The President may waive the provi-
2 sions of section 1003 of the Foreign Relations
3 Authorization Act, Fiscal Years 1988 and 1989
4 (Public Law 100–204) if the President deter-
5 mines and certifies in writing to the Speaker of
6 the House of Representatives, the President pro
7 tempore of the Senate, and the appropriate con-
8 gressional committees that the Palestinians
9 have not, after the date of enactment of this
10 Act—

11 (I) obtained in the United Nations or
12 any specialized agency thereof the same
13 standing as member states or full member-
14 ship as a state outside an agreement nego-
15 tiated between Israel and the Palestinians;
16 and

17 (II) taken any action with respect to
18 the ICC that is intended to influence a de-
19 termination by the ICC to initiate a judi-
20 cially authorized investigation, or to ac-
21 tively support such an investigation, that
22 subjects Israeli nationals to an investiga-
23 tion for alleged crimes against Palestin-
24 ians.

1 (ii) Not less than 90 days after the Presi-
2 dent is unable to make the certification pursu-
3 ant to clause (i) of this subparagraph, the
4 President may waive section 1003 of Public
5 Law 100–204 if the President determines and
6 certifies in writing to the Speaker of the House
7 of Representatives, the President pro tempore
8 of the Senate, and the Committees on Appro-
9 priations that the Palestinians have entered
10 into direct and meaningful negotiations with
11 Israel: *Provided*, That any waiver of the provi-
12 sions of section 1003 of Public Law 100–204
13 under clause (i) of this subparagraph or under
14 previous provisions of law must expire before
15 the waiver under the preceding sentence may be
16 exercised.

17 (iii) Any waiver pursuant to this subpara-
18 graph shall be effective for no more than a pe-
19 riod of 6 months at a time and shall not apply
20 beyond 12 months after the enactment of this
21 Act.

22 (3) REDUCTION.—The Secretary of State shall
23 reduce the amount of assistance made available by
24 this Act under the heading “Economic Support
25 Fund” for the Palestinian Authority by an amount

1 the Secretary determines is equivalent to the amount
2 expended by the Palestinian Authority, the Palestine
3 Liberation Organization, and any successor or affili-
4 ated organizations with such entities as payments
5 for acts of terrorism by individuals who are impris-
6 oned after being fairly tried and convicted for acts
7 of terrorism and by individuals who died committing
8 acts of terrorism during the previous calendar year:
9 *Provided*, That the Secretary shall report to the
10 Committees on Appropriations on the amount re-
11 duced for fiscal year 2017 prior to the obligation of
12 funds for the Palestinian Authority.

13 (4) SECURITY REPORT.—The reporting require-
14 ments contained in section 1404 of the Supple-
15 mental Appropriations Act, 2008 (Public Law 110–
16 252) shall apply to funds made available by this Act,
17 including a description of modifications, if any, to
18 the security strategy of the Palestinian Authority.

19 (5) TRANSFER OF FUNDS.—Of the funds ap-
20 propriated by this Act under the heading “Economic
21 Support Fund” that are made available for assist-
22 ance for the West Bank, up to \$35,000,000 may be
23 transferred to, and merged with, funds appropriated
24 by this Act under the heading “International Nar-
25 cotics Control and Law Enforcement” for Pales-

1 Education and Training” may be made available for as-
2 sistance for the central government of a country in the
3 African Great Lakes region until the Secretary of State
4 determines and reports to the Committees on Appropria-
5 tions that such government is not facilitating or otherwise
6 participating in destabilizing activities in a neighboring
7 country, including aiding and abetting armed groups.

8 (b) BOKO HARAM.—Funds appropriated by this Act
9 that are made available for assistance for Cameroon,
10 Chad, Niger, and Nigeria—

11 (1) shall be made available for assistance for
12 women and girls who are targeted by the terrorist
13 organization Boko Haram, consistent with the provi-
14 sions of section 7059 of this Act; and

15 (2) may be made available for counterterrorism
16 programs to combat Boko Haram.

17 (c) ETHIOPIA.—

18 (1) FORCED EVICTIONS.—

19 (A) Funds appropriated by this Act for as-
20 sistance for Ethiopia may not be made available
21 for any activity that supports forced evictions.

22 (B) The Secretary of the Treasury should
23 instruct the United States executive director of
24 each international financial institution to use
25 the voice and vote of the United States to sup-

1 port projects in Ethiopia only if such projects
2 are developed and carried out in accordance
3 with the requirements of section 7029(b)(2) of
4 this Act.

5 (2) CONSULTATION REQUIREMENT.—Programs
6 and activities to improve livelihoods shall include
7 prior consultation with, and the participation of, af-
8 fected communities, including in the South Omo and
9 Gambella regions.

10 (3) FOREIGN MILITARY FINANCING PRO-
11 GRAM.—Funds appropriated by this Act under the
12 heading “Foreign Military Financing Program” for
13 assistance for Ethiopia may only be made available
14 for border security and counterterrorism programs,
15 support for international peacekeeping efforts, and
16 assistance for the Ethiopian Defense Command and
17 Staff College.

18 (d) LAKE CHAD BASIN COUNTRIES.—Funds appro-
19 priated by this Act for democracy programs for Cameroon,
20 Chad, Niger, and Nigeria should be made available to pro-
21 tect freedoms of expression, association and religion, in-
22 cluding support for journalists, civil society, and opposi-
23 tion political parties, and should be used to assist the gov-
24 ernments of such countries to strengthen accountability
25 and the rule of law, including within the security forces.

1 (e) LORD’S RESISTANCE ARMY.—Of the funds appro-
2 priated by this Act under the heading “Economic Support
3 Fund”, not less than \$10,000,000 shall be made available
4 for programs and activities in areas affected by the Lord’s
5 Resistance Army (LRA) consistent with the goals of the
6 Lord’s Resistance Army Disarmament and Northern
7 Uganda Recovery Act (Public Law 111–172), including to
8 improve physical access, telecommunications infrastruc-
9 ture, and early-warning mechanisms and to support the
10 disarmament, demobilization, and reintegration of former
11 LRA combatants, especially child soldiers.

12 (f) SOUTH SUDAN.—

13 (1) ASSISTANCE.—Funds appropriated by this
14 Act that are made available for assistance for South
15 Sudan should—

16 (A) be prioritized for programs that re-
17 spond to humanitarian needs and the delivery
18 of basic services and to mitigate conflict and
19 promote stability, including to address protec-
20 tion needs and prevent and respond to gender-
21 based violence;

22 (B) support programs that build resilience
23 of communities to address food insecurity,
24 maintain educational opportunities, and en-
25 hance local governance;

1 (C) be used to advance democracy and ac-
2 countability for war crimes, including support
3 for civil society, independent media, and other
4 means to strengthen the rule of law;

5 (D) support the transparent and sustain-
6 able management of natural resources by assist-
7 ing the Government of South Sudan in con-
8 ducting regular audits of financial accounts, in-
9 cluding revenues from oil and gas, and the
10 timely public disclosure of such audits; and

11 (E) support the professionalization of secu-
12 rity forces, including human rights and ac-
13 countability to civilian authorities.

14 (2) CERTIFICATION.—None of the funds appro-
15 priated by this Act that are available for assistance
16 for the central Government of South Sudan may be
17 made available until the Secretary of State certifies
18 and reports to the Committees on Appropriations
19 that such government is taking effective steps to—

20 (A) end hostilities and pursue good faith
21 negotiations for a political settlement of the in-
22 ternal conflict;

23 (B) provide access for humanitarian orga-
24 nizations;

1 (C) end the recruitment and use of child
2 soldiers;

3 (D) protect freedoms of expression, asso-
4 ciation, and assembly;

5 (E) reduce corruption related to the ex-
6 traction and sale of oil and gas; and

7 (F) establish democratic institutions, in-
8 cluding accountable military and police forces
9 under civilian authority.

10 (3) EXCLUSIONS.—The limitation of paragraph
11 (2) shall not apply to—

12 (A) humanitarian assistance;

13 (B) assistance to support South Sudan
14 peace negotiations or to advance or implement
15 a peace agreement; and

16 (C) assistance to support implementation
17 of outstanding issues of the Comprehensive
18 Peace Agreement and mutual arrangements re-
19 lated to such Agreement.

20 (g) SUDAN.—

21 (1) LIMITATION.—Notwithstanding any other
22 provision of law, none of the funds appropriated by
23 this Act may be made available for assistance for the
24 Government of Sudan.

1 (2) LIMITATION ON LOANS.—None of the funds
2 appropriated by this Act may be made available for
3 the cost, as defined in section 502 of the Congres-
4 sional Budget Act of 1974, of modifying loans and
5 loan guarantees held by the Government of Sudan,
6 including the cost of selling, reducing, or canceling
7 amounts owed to the United States, and modifying
8 concessional loans, guarantees, and credit agree-
9 ments.

10 (3) EXCLUSIONS.—The limitations of para-
11 graphs (1) and (2) shall not apply to—

12 (A) humanitarian assistance;

13 (B) assistance for democracy programs;

14 (C) assistance for the Darfur region,
15 Southern Kordofan State, Blue Nile State,
16 other marginalized areas and populations in
17 Sudan, and Abyei; and

18 (D) assistance to support implementation
19 of outstanding issues of the Comprehensive
20 Peace Agreement, mutual arrangements related
21 to post-referendum issues associated with such
22 Agreement, or any other internationally recog-
23 nized viable peace agreement in Sudan.

24 (h) ZIMBABWE.—

1 (1) INSTRUCTION.—The Secretary of the Treas-
2 ury shall instruct the United States executive direc-
3 tor of each international financial institution to vote
4 against any extension by the respective institution of
5 any loan or grant to the Government of Zimbabwe,
6 except to meet basic human needs or to promote de-
7 mocracy, unless the Secretary of State certifies and
8 reports to the Committees on Appropriations that
9 the rule of law has been restored, including respect
10 for ownership and title to property, and freedoms of
11 expression, association, and assembly.

12 (2) LIMITATIONS.—None of the funds appro-
13 priated by this Act shall be made available for as-
14 sistance for the central Government of Zimbabwe,
15 except for health and education, unless the Secretary
16 of State certifies and reports as required in para-
17 graph (1), and funds may be made available for
18 macroeconomic growth assistance if the Secretary
19 reports to the Committees on Appropriations that
20 such government is implementing transparent fiscal
21 policies, including public disclosure of revenues from
22 the extraction of natural resources.

23 EAST ASIA AND THE PACIFIC

24 SEC. 7043. (a) ASIA REBALANCING INITIATIVE.—
25 Except for paragraphs (1)(C), (4), (5)(B) and (C), and

1 6(B), section 7043(a) of the Department of State, Foreign
2 Operations, and Related Programs Appropriations Act,
3 2015 (division J of Public Law 113–235) shall continue
4 in effect during fiscal year 2017: *Provided*, That section
5 7043(a)(8) of such Act shall be applied to funds appro-
6 priated by this Act by adding “East Asia,” before “South-
7 east Asia”.

8 (b) BURMA.—

9 (1) BILATERAL ECONOMIC ASSISTANCE.—

10 (A) Funds appropriated by this Act under
11 the heading “Economic Support Fund” for as-
12 sistance for Burma may be made available not-
13 withstanding any other provision of law, except
14 for this subsection, and following consultation
15 with the appropriate congressional committees.

16 (B) Funds appropriated under title III of
17 this Act for assistance for Burma—

18 (i) shall be made available to
19 strengthen civil society organizations in
20 Burma, including as core support for such
21 organizations;

22 (ii) shall be made available for the im-
23 plementation of the democracy and human
24 rights strategy required by section
25 7043(b)(3)(A) of the Department of State,

1 Foreign Operations, and Related Programs
2 Appropriations Act, 2014 (division K of
3 Public Law 113–76);

4 (iii) shall be made available for com-
5 munity-based organizations operating in
6 Thailand to provide food, medical, and
7 other humanitarian assistance to internally
8 displaced persons in eastern Burma, in ad-
9 dition to assistance for Burmese refugees
10 from funds appropriated by this Act under
11 the heading “Migration and Refugee As-
12 sistance”;

13 (iv) shall be made available for pro-
14 grams to promote ethnic and religious tol-
15 erance, including in Rakhine and Kachin
16 states;

17 (v) may not be made available to any
18 successor or affiliated organization of the
19 State Peace and Development Council
20 (SPDC) controlled by former SPDC mem-
21 bers that promotes the repressive policies
22 of the SPDC, or to any individual or orga-
23 nization credibly alleged to have committed
24 gross violations of human rights, including

1 against Rohingya and other minority
2 groups;

3 (vi) may be made available for pro-
4 grams administered by the Office of Tran-
5 sition Initiatives, United States Agency for
6 International Development, for ethnic
7 groups and civil society in Burma to help
8 sustain ceasefire agreements and further
9 prospects for reconciliation and peace,
10 which may include support to representa-
11 tives of ethnic armed groups for this pur-
12 pose; and

13 (vii) may not be made available to any
14 organization or individual the Secretary of
15 State determines and reports to the appro-
16 priate congressional committees advocates
17 violence against ethnic or religious groups
18 and individuals in Burma.

19 (2) INTERNATIONAL SECURITY ASSISTANCE.—

20 None of the funds appropriated by this Act under
21 the headings “International Military Education and
22 Training” and “Foreign Military Financing Pro-
23 gram” may be made available for assistance for
24 Burma: *Provided*, That the Department of State
25 may continue consultations with the armed forces of

1 Burma only on human rights and disaster response
2 in a manner consistent with the prior fiscal year,
3 and following consultation with the appropriate con-
4 gressional committees.

5 (3) MULTILATERAL ASSISTANCE.—The Sec-
6 retary of the Treasury should instruct the United
7 States executive director of each international finan-
8 cial institution to use the voice and vote of the
9 United States to support projects in Burma only if
10 such projects are developed and carried out in ac-
11 cordance with the requirements of section
12 7029(b)(2) of this Act.

13 (4) PROGRAMS, POSITION, AND RESPONSIBIL-
14 ITIES.—

15 (A) Any new program or activity in Burma
16 initiated in fiscal year 2017 shall be subject to
17 prior consultation with the appropriate congres-
18 sional committees.

19 (B) Section 7043(b)(7) of the Department
20 of State, Foreign Operations, and Related Pro-
21 grams Appropriations Act, 2015 (division J of
22 Public Law 113–235) shall continue in effect
23 during fiscal year 2017.

24 (c) CAMBODIA.—

1 (1) DETERMINATION.—None of the funds ap-
2 propriated by this Act may be made available for as-
3 sistance for Cambodia unless the Secretary of State
4 determines and reports to the appropriate congress-
5 sional committees that the Government of Cambodia
6 has ceased violence and harassment against civil so-
7 ciety in Cambodia, including the political opposition.

8 (2) KHMER ROUGE TRIBUNAL.—Funds appro-
9 priated by this Act that are made available for as-
10 sistance for Cambodia may only be made available
11 for a contribution to the Extraordinary Chambers in
12 the Court of Cambodia (ECCC) if the Secretary of
13 State certifies and reports to the Committees on Ap-
14 propriations that the ECCC will consider Case 003:
15 *Provided*, That such funds shall be subject to prior
16 consultation with, and the regular notification proce-
17 dures of, such Committees: *Provided further*, That
18 the Secretary of State shall seek reimbursements
19 from the Principal Donors Group for the Docu-
20 mentation Center of Cambodia for costs incurred in
21 support of the ECCC.

22 (3) RESEARCH AND EDUCATION.—Funds made
23 available by this Act for democracy programs in
24 Cambodia shall be made available for research and

1 education programs associated with the Khmer
2 Rouge genocide in Cambodia.

3 (d) NORTH KOREA.—

4 (1) BROADCASTS.—Funds appropriated by this
5 Act under the heading “International Broadcasting
6 Operations” shall be made available to maintain
7 broadcasting hours into North Korea at levels con-
8 sistent with the prior fiscal year.

9 (2) REFUGEES.—Funds appropriated by this
10 Act under the heading “Migration and Refugee As-
11 sistance” should be made available for assistance for
12 refugees from North Korea, including protection ac-
13 tivities in the People’s Republic of China and other
14 countries in Asia.

15 (3) DATABASE AND REPORT.—Funds appro-
16 priated by this Act under title III shall be made
17 available to maintain a database of prisons and
18 gulags in North Korea, in accordance with section
19 7032(i) of the Department of State, Foreign Oper-
20 ations, and Related Programs Appropriations Act,
21 2014 (division K of Public Law 113–76).

22 (4) LIMITATION ON USE OF FUNDS.—None of
23 the funds made available by this Act under the
24 heading “Economic Support Fund” may be made

1 available for assistance for the Government of North
2 Korea.

3 (5) FAMILY REUNIONS.—

4 (A) AVAILABILITY OF FUNDS.—Funds ap-
5 propriated by this Act under the heading “Dip-
6 lomatic and Consular Programs” may be made
7 available for the consultations described in S.
8 2657 (as introduced in the Senate on March 9,
9 2016) regarding family reunions between Ko-
10 rean Americans and North Koreans who were
11 separated following the signing of the Korean
12 War Armistice Agreement.

13 (B) REPORTING REQUIREMENT.—The Sec-
14 retary of State shall include as part of the re-
15 port required under section 107(d) of the North
16 Korean Human Rights Act of 2004 (22 U.S.C.
17 7817) a description of the consultations de-
18 scribed under subparagraph (A) conducted dur-
19 ing the year preceding the submission of such
20 report: *Provided*, That such report may include
21 a classified annex.

22 (e) PEOPLE’S REPUBLIC OF CHINA.—

23 (1) LIMITATION ON USE OF FUNDS.—None of
24 the funds appropriated under the heading “Diplo-
25 matic and Consular Programs” in this Act may be

1 obligated or expended for processing licenses for the
2 export of satellites of United States origin (including
3 commercial satellites and satellite components) to
4 the People's Republic of China (PRC) unless, at
5 least 15 days in advance, the Committees on Appro-
6 priations are notified of such proposed action.

7 (2) PEOPLE'S LIBERATION ARMY.—The terms
8 and requirements of section 620(h) of the Foreign
9 Assistance Act of 1961 shall apply to foreign assist-
10 ance projects or activities of the People's Liberation
11 Army (PLA) of the PRC, to include such projects or
12 activities by any entity that is owned or controlled
13 by, or an affiliate of, the PLA: *Provided*, That none
14 of the funds appropriated or otherwise made avail-
15 able pursuant to this Act may be used to finance
16 any grant, contract, or cooperative agreement with
17 the PLA, or any entity that the Secretary of State
18 has reason to believe is owned or controlled by, or
19 an affiliate of, the PLA.

20 (3) COUNTER INFLUENCE PROGRAMS.—Funds
21 appropriated by this Act for public diplomacy under
22 title I and for assistance under titles III and IV
23 shall be made available to counter the influence of
24 the PRC, in accordance with the strategy required
25 by section 7043(e)(3) of the Department of State,

1 Foreign Operations, and Related Programs Appro-
2 priations Act, 2014 (division K of Public Law 113–
3 76), following consultation with the Committees on
4 Appropriations.

5 (f) THAILAND.—Of the funds appropriated by this
6 Act under the heading “Economic Support Fund”, not
7 less than \$4,000,000 shall be made available for democ-
8 racy and conflict resolution programs in Thailand.

9 (g) TIBET.—

10 (1) FINANCING OF PROJECTS IN TIBET.—The
11 Secretary of the Treasury should instruct the United
12 States executive director of each international finan-
13 cial institution to use the voice and vote of the
14 United States to support financing of projects in
15 Tibet if such projects do not provide incentives for
16 the migration and settlement of non-Tibetans into
17 Tibet or facilitate the transfer of ownership of Ti-
18 betan land and natural resources to non-Tibetans,
19 are based on a thorough needs-assessment, foster
20 self-sufficiency of the Tibetan people and respect Ti-
21 betan culture and traditions, and are subject to ef-
22 fective monitoring.

23 (2) PROGRAMS FOR TIBETAN COMMUNITIES.—

24 (A) Notwithstanding any other provision of
25 law, of the funds appropriated by this Act

1 under the heading “Economic Support Fund”,
2 not less than \$8,000,000 shall be made avail-
3 able to nongovernmental organizations to sup-
4 port activities which preserve cultural traditions
5 and promote sustainable development, edu-
6 cation, and environmental conservation in Ti-
7 betan communities in the Tibetan Autonomous
8 Region and in other Tibetan communities in the
9 People’s Republic of China.

10 (B) Of the funds appropriated by this Act
11 under the heading “Economic Support Fund”,
12 not less than \$6,000,000 shall be made avail-
13 able for programs to promote and preserve Ti-
14 betan culture, development, and the resilience
15 of Tibetan communities in India and Nepal,
16 and to assist in the education and development
17 of the next generation of Tibetan leaders from
18 such communities: *Provided*, That such funds
19 are in addition to amounts made available in
20 subparagraph (A) for programs inside Tibet.

21 (h) VIETNAM.—

22 (1) DIOXIN REMEDIATION.—Notwithstanding
23 any other provision of law, of the funds appropriated
24 by this Act under the heading “Economic Support
25 Fund”, not less than \$20,000,000 shall be made

1 available for activities related to the remediation of
2 dioxin contaminated sites in Vietnam and may be
3 made available for assistance for the Government of
4 Vietnam, including the military, for such purposes.

5 (2) HEALTH AND DISABILITY PROGRAMS.—Of
6 the funds appropriated by this Act under the head-
7 ing “Development Assistance”, not less than
8 \$10,000,000 shall be made available for health and
9 disability programs in areas sprayed with Agent Or-
10 ange and otherwise contaminated with dioxin, to as-
11 sist individuals with severe upper or lower body mo-
12 bility impairment and/or cognitive or developmental
13 disabilities.

14 SOUTH AND CENTRAL ASIA

15 SEC. 7044. (a) AFGHANISTAN.—

16 (1) DIPLOMATIC OPERATIONS.—

17 (A) FACILITIES.—Funds appropriated by
18 this Act under the headings “Diplomatic and
19 Consular Programs”, “Embassy Security, Con-
20 struction, and Maintenance”, and “Operating
21 Expenses” that are available for construction
22 and renovation of United States Government
23 facilities in Afghanistan may not be made avail-
24 able if the purpose is to accommodate Federal
25 employee positions or to expand aviation facili-

1 ties or assets above those notified by the De-
2 partment of State and the United States Agen-
3 cy for International Development to the Com-
4 mittees on Appropriations, or contractors in ad-
5 dition to those in place on the date of enact-
6 ment of this Act: *Provided*, That the limitations
7 in this paragraph shall not apply if funds are
8 necessary to implement plans for accommo-
9 dating other United States Government agen-
10 cies under Chief of Mission authority per sec-
11 tion 3927 of title 22, United States Code, or to
12 protect such facilities or the security, health,
13 and welfare of United States Government per-
14 sonnel.

15 (B) PERSONNEL REPORT.—Not later than
16 30 days after enactment of this Act and every
17 120 days thereafter until September 30, 2017,
18 the Secretary of State shall submit a report, in
19 classified form if necessary, to the appropriate
20 congressional committees detailing by agency
21 the number of personnel present in Afghanistan
22 under Chief of Mission authority per section
23 3927 of title 22, United States Code, at the end
24 of the 120 day period preceding the submission
25 of such report: *Provided*, That such report shall

1 also include the number of locally employed
2 staff and contractors supporting United States
3 Embassy operations in Afghanistan during the
4 reporting period.

5 (2) ASSISTANCE AND CONDITIONS.—

6 (A) FUNDING AND LIMITATIONS.—Funds
7 appropriated by this Act under the headings
8 “Economic Support Fund” and “International
9 Narcotics Control and Law Enforcement” may
10 be made available for assistance for Afghani-
11 stan: *Provided*, That such funds may not be ob-
12 ligated for any project or activity that—

13 (i) includes the participation of any
14 Afghan individual or organization, includ-
15 ing government entity, that the Secretary
16 of State determines to be involved in cor-
17 rupt practices, illicit narcotics production
18 or trafficking, or a violation of human
19 rights;

20 (ii) cannot be sustained, as appro-
21 priate, by the Government of Afghanistan
22 or another Afghan entity;

23 (iii) is inaccessible or not regularly ac-
24 cessible for the purposes of conducting ef-

1 fective oversight in accordance with appli-
2 cable Federal statutes and regulations; or

3 (iv) initiates any new, major infra-
4 structure development.

5 (B) CERTIFICATION AND REPORT.—Prior
6 to the initial obligation of funds made available
7 by this Act under the headings “Economic Sup-
8 port Fund” and “International Narcotics Con-
9 trol and Law Enforcement” for assistance for
10 the central Government of Afghanistan, the
11 Secretary of State shall certify and report to
12 the Committees on Appropriations, after con-
13 sultation with the Government of Afghanistan,
14 that—

15 (i) goals and benchmarks for the spe-
16 cific uses of such funds have been estab-
17 lished by the Governments of the United
18 States and Afghanistan;

19 (ii) conditions are in place that in-
20 crease the transparency and accountability
21 of the Government of Afghanistan for
22 funds obligated under the New Develop-
23 ment Partnership;

24 (iii) the Government of Afghanistan is
25 implementing laws and policies to govern

1 democratically and protect the rights of in-
2 dividuals, civil society, and the media, in-
3 cluding the Law on Mass Media and the
4 Access to Information Act;

5 (iv) the Government of Afghanistan is
6 taking consistent steps to protect and ad-
7 vance the rights of women and girls in Af-
8 ghanistan;

9 (v) the Government of Afghanistan is
10 reducing corruption and prosecuting indi-
11 viduals alleged to be involved in illegal ac-
12 tivities in Afghanistan;

13 (vi) monitoring and oversight frame-
14 works for programs implemented with such
15 funds are in accordance with all applicable
16 audit policies of the Department of State
17 and USAID;

18 (vii) the necessary policies and proce-
19 dures are in place to ensure Government of
20 Afghanistan compliance with section 7013
21 of this Act; and

22 (viii) the Government of Afghanistan
23 is publicly reporting its national budget,
24 including revenues and expenditures.

1 (C) WAIVER.—The Secretary of State may
2 waive the certification requirement of subpara-
3 graph (B) if the Secretary determines that to
4 do so is important to the national security in-
5 terest of the United States and the Secretary
6 submits a report to the Committees on Appro-
7 priations, in classified form if necessary, on the
8 justification for the waiver and the reasons why
9 any of the requirements of subparagraph (B)
10 cannot be met.

11 (D) PROGRAMS.—Funds appropriated by
12 this Act that are made available for assistance
13 for Afghanistan shall be made available in the
14 following manner—

15 (i) not less than \$50,000,000 shall be
16 made available for rule of law programs,
17 the decisions for which shall be the respon-
18 sibility of the Chief of Mission, in consulta-
19 tion with other appropriate United States
20 Government officials in Afghanistan;

21 (ii) for programs that protect the
22 rights of women and girls and promote the
23 political and economic empowerment of
24 women, including their meaningful inclu-
25 sion in political processes: *Provided*, That

1 such assistance to promote economic em-
2 powerment of women shall be made avail-
3 able as grants to Afghan and international
4 organizations, to the maximum extent
5 practicable;

6 (iii) for programs in South and Cen-
7 tral Asia to expand linkages between Af-
8 ghanistan and countries in the region, sub-
9 ject to the regular notification procedures
10 of the Committees on Appropriations;

11 (iv) to assist the Government of Af-
12 ghanistan to increase revenue collection
13 and expenditure; and

14 (v) not less than \$10,000,000 should
15 be made available for the Afghan Civilian
16 Assistance Program.

17 (E) TAXATION.—None of the funds appro-
18 priated by this Act and prior Acts making Ap-
19 propriations for the Department of State, for-
20 eign operations, and related programs for as-
21 sistance for Afghanistan may be made available
22 for direct government-to-government assistance
23 unless the Secretary of State certifies and re-
24 ports to the Committees on Appropriations that
25 United States companies and organizations that

1 are implementing United States foreign assist-
2 ance programs in Afghanistan in a manner con-
3 sistent with United States laws and regulations
4 are not subjected by such government to taxes
5 or other fees in contravention of diplomatic and
6 other international agreements, or to retaliation
7 for the nonpayment of taxes or fees imposed in
8 the past: *Provided*, That not later than 90 days
9 after enactment of this Act, the Secretary of
10 State shall submit to the appropriate congres-
11 sional committees an assessment of the dollar
12 value of improper taxes or fees levied by such
13 government against such companies and organi-
14 zations in fiscal years 2014, 2015, and 2016.

15 (3) GOALS AND BENCHMARKS.—Not later than
16 90 days after enactment of this Act, the Secretary
17 of State shall submit to the appropriate congres-
18 sional committees a report describing the goals and
19 benchmarks required in paragraph (2)(B)(i): *Pro-*
20 *vided*, That not later than 6 months after the sub-
21 mission of such report and every 6 months there-
22 after until September 30, 2018, the Secretary of
23 State shall submit a report to such committees on
24 the status of achieving such goals and benchmarks:
25 *Provided further*, That the Secretary of State should

1 suspend assistance for the Government of Afghani-
2 stan if any report required by this paragraph indi-
3 cates that such government is failing to make meas-
4 urable progress in meeting such goals and bench-
5 marks.

6 (4) AUTHORITIES.—

7 (A) Funds appropriated by this Act under
8 title III through VI that are made available for
9 assistance for Afghanistan may be made avail-
10 able—

11 (i) notwithstanding section 7012 of
12 this Act or any similar provision of law
13 and section 660 of the Foreign Assistance
14 Act of 1961;

15 (ii) for reconciliation programs and
16 disarmament, demobilization, and re-
17 integration activities for former combat-
18 ants who have renounced violence against
19 the Government of Afghanistan, in accord-
20 ance with section 7046(a)(2)(B)(ii) of the
21 Department of State, Foreign Operations,
22 and Related Programs Appropriations Act,
23 2012 (division I of Public Law 112–74);
24 and

1 (iii) for an endowment to empower
2 women and girls.

3 (B) Section 7046(a)(2)(A) of division I of
4 Public Law 112–74 shall apply to funds appro-
5 priated by this Act for assistance for Afghani-
6 stan.

7 (C) Section 1102(c) of the Supplemental
8 Appropriations Act, 2009 (title XI of Public
9 Law 111–32) shall continue in effect during fis-
10 cal year 2017.

11 (5) BASING RIGHTS AGREEMENT.—None of the
12 funds made available by this Act may be used by the
13 United States Government to enter into a perma-
14 nent basing rights agreement between the United
15 States and Afghanistan.

16 (b) NEPAL.—

17 (1) BILATERAL ECONOMIC ASSISTANCE.—Not
18 less than \$50,000,000 of the funds appropriated by
19 this Act under the heading “Development Assist-
20 ance” shall be made available for assistance for
21 Nepal for earthquake recovery and reconstruction
22 programs, which should—

23 (A) target affected communities on an eq-
24 uitable basis; and

1 (B) include sufficient oversight mecha-
2 nisms, to include the participation of civil soci-
3 ety organizations.

4 (2) FOREIGN MILITARY FINANCING PRO-
5 GRAM.—Funds appropriated by this Act under the
6 heading “Foreign Military Financing Program”
7 shall only be made available for humanitarian and
8 disaster relief and reconstruction activities in Nepal,
9 and in support of international peacekeeping oper-
10 ations: *Provided*, That such funds may only be made
11 available for any additional uses if the Secretary of
12 State certifies and reports to the Committees on Ap-
13 propriations that the Government of Nepal is inves-
14 tigating and prosecuting violations of human rights
15 and the laws of war, and the Nepal Army is cooper-
16 ating fully with civilian judicial authorities in such
17 cases.

18 (c) PAKISTAN.—

19 (1) CERTIFICATION REQUIREMENT.—None of
20 the funds appropriated or otherwise made available
21 by this Act under the headings “Economic Support
22 Fund”, “International Narcotics Control and Law
23 Enforcement”, and “Foreign Military Financing
24 Program” for assistance for the Government of
25 Pakistan may be made available unless the Secretary

1 of State certifies and reports to the Committees on
2 Appropriations that the Government of Pakistan
3 is—

4 (A) cooperating with the United States in
5 counterterrorism efforts against the Haqqani
6 Network, the Quetta Shura Taliban, Lashkar e-
7 Tayyiba, Jaish-e-Mohammed, Al-Qaeda, and
8 other domestic and foreign terrorist organiza-
9 tions, including taking effective steps to end
10 support for such groups and prevent them from
11 basing and operating in Pakistan and carrying
12 out cross border attacks into neighboring coun-
13 tries;

14 (B) not supporting terrorist activities
15 against United States or coalition forces in Af-
16 ghanistan, and Pakistan's military and intel-
17 ligence agencies are not intervening extra-judi-
18 cially into political and judicial processes in
19 Pakistan;

20 (C) not financing or otherwise supporting
21 schools supported by, affiliated with, or run by
22 the Taliban or any designated foreign terrorist
23 organization;

1 (D) dismantling improvised explosive de-
2 vice (IED) networks and interdicting precursor
3 chemicals used in the manufacture of IEDs;

4 (E) preventing the proliferation of nuclear-
5 related material and expertise;

6 (F) issuing visas in a timely manner for
7 United States visitors engaged in counterter-
8 rorism efforts and assistance programs in Paki-
9 stan; and

10 (G) providing humanitarian organizations
11 access to detainees, internally displaced per-
12 sons, and other Pakistani civilians affected by
13 the conflict.

14 (2) WAIVER AND REPORTS.—

15 (A) The Secretary of State may waive the
16 certification requirement of paragraph (1) with
17 respect to funds appropriated or otherwise
18 made available by this Act under the headings
19 “Economic Support Fund” and “International
20 Narcotics Control and Law Enforcement” for
21 assistance for the Government of Pakistan if
22 the Secretary determines that to do so is impor-
23 tant to the national security interest of the
24 United States.

1 (B) The Secretary of State may waive the
2 certification requirement of paragraph (1) with
3 respect to 85 percent of the funds appropriated
4 or otherwise made available by this Act under
5 the heading “Foreign Military Financing Pro-
6 gram” for assistance for the Government of
7 Pakistan if the Secretary determines that to do
8 so is important to the national security interest
9 of the United States: *Provided*, That funds
10 withheld by application of this subparagraph
11 shall be withheld from obligation until the Sec-
12 retary submits to the Committees on Appro-
13 priations the certification required by para-
14 graph (1).

15 (C) In exercising the authority of this
16 paragraph, the Secretary of State shall submit
17 a report to the Committees on Appropriations,
18 in classified form if necessary, on the justifica-
19 tion for any waivers in subparagraphs (A) and
20 (B) and the reasons why any of the require-
21 ments of paragraph (1) cannot be met.

22 (3) ASSISTANCE.—

23 (A) Funds appropriated by this Act under
24 the heading “Foreign Military Financing Pro-
25 gram” for assistance for Pakistan may be made

1 available only to support counterterrorism and
2 counterinsurgency capabilities in Pakistan.

3 (B) Funds appropriated by this Act under
4 the headings “Economic Support Fund” and
5 “Nonproliferation, Anti-terrorism, Demining
6 and Related Programs” that are available for
7 assistance for Pakistan shall be made available
8 to interdict precursor materials from Pakistan
9 to Afghanistan that are used to manufacture
10 IEDs, including calcium ammonium nitrate; to
11 support programs to train border and customs
12 officials in Pakistan and Afghanistan; and for
13 agricultural extension programs that encourage
14 alternative fertilizer use among Pakistani farm-
15 ers.

16 (C) Funds appropriated by this Act under
17 the heading “Economic Support Fund” that are
18 made available for assistance for infrastructure
19 projects in Pakistan shall be implemented in a
20 manner consistent with section 507(6) of the
21 Trade Act of 1974 (19 U.S.C. 2467(6)).

22 (D) Funds appropriated by this Act under
23 titles III and IV for assistance for Pakistan
24 may be made available notwithstanding any

1 other provision of law, except for section 620M
2 of the Foreign Assistance Act of 1961.

3 (E) Of the funds appropriated under titles
4 III and IV of this Act that are made available
5 for assistance for Pakistan, \$33,000,000 shall
6 be withheld from obligation until the Secretary
7 of State reports to the Committees on Appro-
8 priations that Dr. Shakil Afridi has been re-
9 leased from prison and cleared of all charges re-
10 lating to the assistance provided to the United
11 States in locating Osama bin Laden.

12 (4) SCHOLARSHIPS FOR WOMEN.—The author-
13 ity and directives of section 7044(d)(4) of the De-
14 partment of State, Foreign Operations, and Related
15 Programs Appropriations Act, 2015 (division J of
16 Public Law 113–235) shall apply to funds appro-
17 priated by this Act that are made available for as-
18 sistance for Pakistan.

19 (5) REPORTS.—

20 (A)(i) Not later than 6 months after sub-
21 mission of the spend plan required by section
22 7076 of this Act for assistance for Pakistan,
23 and each 6 months thereafter until September
24 30, 2018, the Secretary of State shall submit a
25 report to the Committees on Appropriations on

1 the status of achieving the goals and bench-
2 marks in such plan.

3 (ii) The Secretary of State should suspend
4 assistance for the Government of Pakistan if
5 any report required by clause (i) indicates that
6 Pakistan is failing to make measurable progress
7 in meeting such goals or benchmarks.

8 (B) Not later than 90 days after enact-
9 ment of this Act, the Secretary of State shall
10 submit a report to the Committees on Appro-
11 priations detailing the costs and objectives asso-
12 ciated with significant infrastructure projects
13 supported by the United States in Pakistan
14 during the previous fiscal year, and an assess-
15 ment of the extent to which such projects
16 achieve such objectives.

17 (6) OVERSIGHT.—The Secretary of State shall
18 take all practicable steps to ensure that mechanisms
19 are in place for monitoring, oversight, and control of
20 funds made available by this subsection for assist-
21 ance for Pakistan, and shall provide the Committees
22 on Appropriations with a description of the vetting
23 procedures to be used for recipients of assistance
24 made available under title IV of this Act.

25 (d) SRI LANKA.—

1 (1) BILATERAL ECONOMIC ASSISTANCE.—
2 Funds appropriated by this Act under the heading
3 “Economic Support Fund” shall be made available
4 for assistance for Sri Lanka for democracy and eco-
5 nomic development programs, particularly in areas
6 recovering from ethnic and religious conflict: *Pro-*
7 *vided*, That such funds shall be made available for
8 programs to assist in the identification and resolu-
9 tion of cases of missing persons.

10 (2) CERTIFICATION.—Funds appropriated by
11 this Act for assistance for the central Government of
12 Sri Lanka may be made available only if the Sec-
13 retary of State certifies and reports to the Commit-
14 tees on Appropriations that the Government of Sri
15 Lanka is—

16 (A) taking steps to repeal the Prevention
17 of Terrorism Act (PTA), including releasing or
18 charging all individuals detained pursuant to
19 the PTA;

20 (B) increasing accountability and trans-
21 parency in governance; and

22 (C) supporting a credible justice mecha-
23 nism in compliance with United Nations
24 Human Rights Council Resolution (A/HCR/30/
25 L.29) of October, 2015.

1 (3) INTERNATIONAL SECURITY ASSISTANCE.—
2 Funds appropriated under title IV of this Act that
3 are available for assistance for Sri Lanka shall be
4 subject to the following conditions—

5 (A) funds under the heading “Foreign
6 Military Financing Program” may only be
7 made available for programs to redeploy, re-
8 structure, and reduce the size of the Sri
9 Lankan armed forces (to include support for
10 international peacekeeping) and shall not ex-
11 ceed \$400,000;

12 (B) funds under the heading “Inter-
13 national Military Education and Training” may
14 only be made available for training related to
15 international peacekeeping operations and Ex-
16 panded International Military Education and
17 Training; and

18 (C) funds under the heading “Peace-
19 keeping Operations” may only be made avail-
20 able for training related to international peace-
21 keeping operations.

22 (e) REGIONAL PROGRAMS.—

23 (1) CROSS BORDER PROGRAMS.—Funds appro-
24 priated by this Act under the heading “Economic
25 Support Fund” for assistance for Afghanistan and

1 Pakistan may be provided, notwithstanding any
2 other provision of law that restricts assistance to
3 foreign countries, for cross border stabilization and
4 development programs between Afghanistan and
5 Pakistan, or between either country and the Central
6 Asian countries.

7 (2) SECURITY AND JUSTICE PROGRAMS.—
8 Funds appropriated by this Act under the headings
9 “Economic Support Fund”, “International Narcotics
10 Control and Law Enforcement”, and “Assistance for
11 Europe, Eurasia and Central Asia” that are avail-
12 able for assistance for countries in South and Cen-
13 tral Asia shall be made available to enhance the re-
14 cruitment, retention, and professionalism of women
15 in the judiciary, police, and other security forces.

16 LATIN AMERICA AND THE CARIBBEAN

17 SEC. 7045. (a) UNITED STATES ENGAGEMENT IN
18 CENTRAL AMERICA.—

19 (1) FUNDING.—Subject to the requirements of
20 this subsection, of the funds appropriated under ti-
21 tles III and IV of this Act, up to \$650,575,000 may
22 be made available for assistance for countries in
23 Central America to implement the United States
24 Strategy for Engagement in Central America (the
25 Strategy) in support of the Plan of the Alliance for

1 Prosperity in the Northern Triangle of Central
2 America (the Plan): *Provided*, That the Secretary of
3 State and Administrator of the United States Agen-
4 cy for International Development shall prioritize
5 such assistance to address the key factors in such
6 countries contributing to the migration of unaccom-
7 panied, undocumented minors to the United States:
8 *Provided further*, That such funds shall be made
9 available to the maximum extent practicable on a
10 cost-matching basis.

11 (2) PRE-OBLIGATION REQUIREMENTS.—Prior
12 to the obligation of funds made available pursuant
13 to paragraph (1), the Secretary of State shall submit
14 to the Committees on Appropriations a multi-year
15 spend plan updated from fiscal year 2016: *Provided*,
16 That such updated spend plan shall also include a
17 description of how such assistance will differ from,
18 complement, and leverage funds allocated by each
19 government and other donors, including inter-
20 national financial institutions.

21 (3) ASSISTANCE FOR THE CENTRAL GOVERN-
22 MENTS OF EL SALVADOR, GUATEMALA, AND HON-
23 DURAS.—Of the funds made available pursuant to
24 paragraph (1) that are available for assistance for
25 each of the central governments of El Salvador,

1 Guatemala, and Honduras, the following amounts
2 shall be withheld from obligation and may only be
3 made available as follows:

4 (A) 25 percent may only be obligated after
5 the Secretary of State certifies and reports to
6 the appropriate congressional committees that
7 such government is taking effective steps, which
8 are in addition to steps taken during the pre-
9 vious calendar year, to—

10 (i) inform its citizens of the dangers
11 of the journey to the southwest border of
12 the United States;

13 (ii) combat human smuggling and
14 trafficking;

15 (iii) improve border security, including
16 to prevent trafficking in person, illicit
17 drugs, and other contraband; and

18 (iv) cooperate with United States Gov-
19 ernment agencies and other governments
20 in the region to facilitate the return, repa-
21 triation, and reintegration of illegal mi-
22 grants arriving at the southwest border of
23 the United States who do not qualify as
24 refugees, consistent with international law.

1 (B) An additional 50 percent may only be
2 obligated after the Secretary of State consults
3 with, and subsequently certifies and reports to,
4 the appropriate congressional committees that
5 such government is taking effective steps, which
6 are in addition to steps taken during the pre-
7 vious calendar year, to—

8 (i) establish an autonomous, publicly
9 accountable entity to provide oversight of
10 the Plan;

11 (ii) combat corruption, including in-
12 vestigating and prosecuting government of-
13 ficials credibly alleged to be corrupt;

14 (iii) implement reforms, policies, and
15 programs to improve transparency and
16 strengthen public institutions, including in-
17 creasing the capacity and independence of
18 the judiciary and the Office of the Attor-
19 ney General;

20 (iv) implement a policy that local com-
21 munities, civil society organizations (in-
22 cluding indigenous and other marginalized
23 groups), and local governments are con-
24 sulted in the design, and participate in the
25 implementation and evaluation of, activi-

1 ties of the Plan that affect such commu-
2 nities, organizations, and governments;

3 (v) counter the activities of criminal
4 gangs, drug traffickers, and organized
5 crime;

6 (vi) investigate and prosecute in the
7 civilian justice system military and police
8 personnel who are credibly alleged to have
9 violated human rights, and ensure that the
10 military and police are cooperating in such
11 cases;

12 (vii) cooperate fully with commissions
13 against impunity, as appropriate, and with
14 regional human rights entities;

15 (viii) support programs to reduce pov-
16 erty, expand education and vocational
17 training for at-risk youth, create jobs, and
18 promote equitable economic growth par-
19 ticularly in areas contributing to large
20 numbers of migrants;

21 (ix) establish and implement a plan,
22 with benchmarks and timetables, to create
23 a professional, accountable civilian police
24 force and end the role of the military in in-
25 ternal policing;

1 (x) protect the right of political oppo-
2 sition parties, journalists, trade unionists,
3 human rights defenders, and other civil so-
4 ciety activists to operate without inter-
5 ference;

6 (xi) increase government revenues, in-
7 cluding by implementing tax reforms and
8 strengthening customs agencies; and

9 (xii) resolve commercial disputes, in-
10 cluding the confiscation of real property,
11 between United States entities and such
12 government.

13 (4) SUSPENSION OF ASSISTANCE AND PERIODIC
14 REVIEW.—

15 (A) The Secretary of State shall periodi-
16 cally review the progress of each of the central
17 governments of El Salvador, Guatemala, and
18 Honduras in meeting the requirements of para-
19 graphs (3)(A) and (3)(B) and shall, not later
20 than September 30, 2017, submit to the appro-
21 priate congressional committees a report assess-
22 ing such progress: *Provided*, That if the Sec-
23 retary determines that sufficient progress has
24 not been made by a central government, the
25 Secretary shall suspend, in whole or in part, as-

1 sistance for such government for programs sup-
2 porting such requirement, and shall notify such
3 committees in writing of such action: *Provided*
4 *further*, That the Secretary may resume funding
5 for such programs only after the Secretary cer-
6 tifies to such committees that corrective meas-
7 ures have been taken.

8 (B) The Secretary of State shall, following
9 a change of national government in El Sal-
10 vador, Guatemala, or Honduras, determine and
11 report to the appropriate congressional commit-
12 tees that any new government has committed to
13 take the steps to meet the requirements of
14 paragraphs (3)(A) and (3)(B): *Provided*, That
15 if the Secretary is unable to make such a deter-
16 mination in a timely manner, assistance made
17 available under this subsection for such central
18 government shall be suspended, in whole or in
19 part, until such time as such determination and
20 report can be made.

21 (5) PROGRAMS AND TRANSFER OF FUNDS.—

22 (A) Funds appropriated by this Act for the
23 Central America Regional Security Initiative
24 may be made available, after consultation with,
25 and subject to the regular notification proce-

1 dures of, the Committees on Appropriations, to
2 support international commissions against im-
3 punity in Honduras and El Salvador, if such
4 commissions are established.

5 (B) The Department of State and USAID
6 may, following consultation with the Commit-
7 tees on Appropriations, transfer funds made
8 available by this Act under the heading “Devel-
9 opment Assistance” to the Inter-American De-
10 velopment Bank and the Inter-American Foun-
11 dation for technical assistance in support of the
12 Strategy.

13 (C) Of the funds appropriated by this Act
14 under the heading “Economic Support Fund”
15 that are made available for State Western
16 Hemisphere Regional programs, not less than
17 \$7,000,000 shall be transferred to, and merged
18 with, funds appropriated by this Act under the
19 heading “International Organizations and Pro-
20 grams” for the Inter-American Commission on
21 Human Rights, Organization of American
22 States.

23 (b) COLOMBIA.—

24 (1) ASSISTANCE.—Of the funds appropriated by
25 this Act under titles III and IV, not less than

1 \$391,253,000 shall be made available for assistance
2 for Colombia, including to support the efforts of the
3 Government of Colombia to—

4 (A) conduct a unified campaign against
5 narcotics trafficking, organizations designated
6 as foreign terrorist organizations pursuant to
7 section 219 of the Immigration and Nationality
8 Act (8 U.S.C. 1189), and other criminal or ille-
9 gal armed groups: *Provided*, That aircraft sup-
10 ported by funds made available by this Act and
11 prior Acts making appropriations for the De-
12 partment of State, foreign operations, and re-
13 lated programs may be used to transport per-
14 sonnel and supplies involved in drug eradication
15 and interdiction, including security for such ac-
16 tivities, and to provide transport in support of
17 alternative development programs and inves-
18 tigations by civilian judicial authorities;

19 (B) enhance security and improve access to
20 justice;

21 (C) promote economic and social develop-
22 ment; and

23 (D) implement a peace agreement between
24 the Government of Colombia and illegal armed
25 groups, in accordance with constitutional and

1 legal requirements in Colombia, and that has
2 the support of the people of Colombia:

3 *Provided*, That such funds shall be subject to prior
4 consultation with, and the regular notification proce-
5 dures of, the Committees on Appropriations.

6 (2) PRE-OBLIGATION REQUIREMENTS.—Prior
7 to the obligation of funds made available pursuant
8 to paragraph (1), the Secretary of State, in con-
9 sultation with the USAID Administrator, shall sub-
10 mit to the Committees on Appropriations—

11 (A) a multi-year spend plan; and

12 (B) with respect to any such funds made
13 available for assistance to support the efforts of
14 the Government of Colombia to implement a
15 peace agreement, a spend plan that includes—

16 (i) a detailed estimate of the funding
17 requirements by fiscal year and appropria-
18 tions account of all United States assist-
19 ance required to support the successful im-
20 plementation of such agreement, including
21 in areas most affected by conflict, in fiscal
22 year 2017 and the subsequent four fiscal
23 years;

24 (ii) a detailed estimate by fiscal year
25 of the commitments and expenditures re-

1 required by the Government of Colombia to
2 implement such agreement in fiscal year
3 2017 and the subsequent four fiscal years;
4 and

5 (iii) a description of how such assist-
6 ance will differ from, complement, and le-
7 verage funds allocated by the Government
8 of Colombia and other donors, including
9 international financial institutions.

10 (3) REFUGEES AND HUMAN RIGHTS.—Of the
11 funds made available pursuant to paragraph (1)
12 under the heading “Economic Support Fund”—

13 (A) not less than \$7,000,000 shall be
14 transferred to, and merged with, funds appro-
15 priated by this Act under the heading “Migra-
16 tion and Refugee Assistance” for assistance for
17 Colombian refugees in neighboring countries;
18 and

19 (B) not less than \$9,000,000 shall be
20 made available for programs to protect human
21 rights, of which not less than \$1,000,000 shall
22 be made available for the Office of the United
23 Nations High Commissioner for Human Rights
24 in Colombia.

1 (4) Of the funds appropriated by this Act under
2 the heading “Foreign Military Financing Program”
3 for assistance for Colombia, 20 percent may be obli-
4 gated only if the Secretary of State certifies and re-
5 ports to the Committees on Appropriations that—

6 (A) the Peace Tribunal and other judicial
7 bodies within the special jurisdiction for peace
8 are independent and have authority to docu-
9 ment truth declarations from perpetrators of
10 gross violations of human rights and to sen-
11 tence such perpetrators to meaningful sanc-
12 tions, including victims’ reparations, guarantee
13 of non-repetition, and deprivation of liberty;

14 (B) military personnel responsible for or-
15 dering, committing, or covering up cases of
16 false positives, including those in command au-
17 thority, are being investigated, prosecuted, and
18 appropriately sanctioned, and military officers
19 credibly alleged to have committed such crimes
20 are removed from positions of command author-
21 ity until the completion of judicial proceedings;
22 and

23 (C) the Government of Colombia is con-
24 tinuing to dismantle illegal armed groups, tak-
25 ing effective steps to protect the rights of

1 human rights defenders, journalists, trade
2 unionists, and other social activities, and pro-
3 tecting the rights and territory of indigenous
4 and Afro-Colombian communities:

5 *Provided*, That the limitations of this paragraph
6 shall not apply to funds made available under such
7 heading for aviation instruction and maintenance,
8 and maritime and riverine security programs.

9 (c) CUBA.—

10 (1) Of the funds appropriated by this Act under
11 the heading “Economic Support Fund”, not more
12 than \$15,000,000 shall be made available for democ-
13 racy programs for Cuba.

14 (2) Of the funds made available under para-
15 graph (1), not less than \$3,000,000 shall be made
16 available to the United States Agency for Inter-
17 national Development to support—

18 (A) free enterprise and private business or-
19 ganizations; and

20 (B) people-to-people educational and cul-
21 tural activities.

22 (3) For purposes of paragraph (2), activities
23 described in such paragraph shall be considered de-
24 mocracy programs pursuant to section 7032(c) of
25 this Act, except that none of the funds made avail-

1 able under such paragraph may be used for assist-
2 ance for the Government of Cuba.

3 (4) Funds appropriated under title I of this Act
4 may be made available for—

5 (A) the operation of, and infrastructure
6 and security improvements to, United States
7 diplomatic facilities in Cuba; and

8 (B) costs associated with additional United
9 States diplomatic personnel in Cuba.

10 (5) Notwithstanding any other provision of law
11 enacted prior to this Act, United States payments to
12 the Inter-American Development Bank (“IDB”)
13 shall not be withheld if IDB awards grants for the
14 purpose of hiring consultants and the payment of
15 other costs related to technical assistance to facili-
16 tate transparency, private sector development, and
17 other structural reforms of the Cuban economy: *Pro-*
18 *vided*, That assistance under this paragraph may not
19 exceed \$2,500,000 during fiscal year 2017.

20 (d) HAITI.—

21 (1) FUNDING.—Of the funds appropriated by
22 this Act, not more than \$183,168,000 may be made
23 available for assistance for Haiti.

24 (2) CERTIFICATION.—Funds made available in
25 paragraph (1) may not be made available for assist-

1 ance for the central Government of Haiti unless the
2 Secretary of State certifies and reports to the Com-
3 mittees on Appropriations that such government is
4 taking effective steps, which are in addition to steps
5 taken during the previous calendar year, to—

6 (A) hold new, inclusive, transparent and
7 credible parliamentary and presidential elections
8 and seat a new Haitian Parliament and Presi-
9 dent;

10 (B) strengthen the rule of law in Haiti, in-
11 cluding by reducing pre-trial detention and se-
12 lecting judges in a transparent manner; respect
13 the independence of the judiciary; and improve
14 governance by implementing reforms to increase
15 transparency and accountability;

16 (C) combat corruption, including by imple-
17 menting the anti-corruption law enacted in
18 2014 and prosecuting corrupt officials; and

19 (D) increase government revenues, includ-
20 ing by implementing tax reforms, and increase
21 expenditures on public services.

22 (3) HAITIAN COAST GUARD.—The Government
23 of Haiti shall be eligible to purchase defense articles
24 and services under the Arms Export Control Act (22
25 U.S.C. 2751 et seq.) for the Coast Guard.

1 EUROPE

2 SEC. 7046. (a) ASSISTANCE FOR UKRAINE.—Of the
3 funds appropriated by this Act under titles III through
4 VI, not less than \$294,857,000 shall be made available
5 for assistance for Ukraine.

6 (b) LIMITATION.—None of the funds appropriated by
7 this Act may be made available for assistance for a govern-
8 ment of an Independent State of the former Soviet Union
9 if such government directs any action in violation of the
10 territorial integrity or national sovereignty of any other
11 Independent State of the former Soviet Union, such as
12 those violations included in the Helsinki Final Act: *Pro-*
13 *vided*, That except as otherwise provided in section
14 7070(a) of this Act, funds may be made available without
15 regard to the restriction in this subsection if the President
16 determines that to do so is in the national security interest
17 of the United States: *Provided further*, That prior to exe-
18 cuting the authority contained in the previous proviso the
19 Secretary of State shall consult with the Committees on
20 Appropriations on how such assistance supports the na-
21 tional security interest of the United States.

22 (c) SECTION 907 OF THE FREEDOM SUPPORT
23 ACT.—Section 907 of the FREEDOM Support Act shall
24 not apply to—

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

13 (b) None of the funds appropriated by this Act may
14 be made available for a United States contribution to the
15 International Criminal Court: *Provided*, That notwith-
16 standing section 705(b) of the Admiral James W. Nance
17 and Meg Donovan Foreign Relations Authorization Act,
18 Fiscal Years 2000 and 2001 (division A of Public Law
19 106–113) and consistent with section 2015 of the Amer-
20 ican Service-Members Protection Act, 2002, as amended,
21 funds may be made available for technical assistance,
22 training, assistance for victims, protection of witnesses,
23 and law enforcement support related to international in-
24 vestigations, apprehensions, prosecutions, and adjudica-
25 tions of genocide, crimes against humanity, and war

1 crimes: *Provided further*, That the previous proviso shall
2 not apply to American service members and other United
3 States citizens or nationals, or to nationals of the North
4 Atlantic Treaty Organization (NATO) or major non-
5 NATO allies initially designated pursuant to section
6 517(b) of the Foreign Assistance Act of 1961.

7 UNITED NATIONS

8 SEC. 7048. (a) TRANSPARENCY AND ACCOUNT-
9 ABILITY.—

10 (1) Of the funds appropriated under title I and
11 under the heading “International Organizations and
12 Programs” in title V of this Act that are available
13 for contributions to the United Nations (including
14 the Department of Peacekeeping Operations), any
15 United Nations agency, or the Organization of
16 American States, 15 percent may not be obligated
17 for such organization, department, or agency until
18 the Secretary of State reports to the Committees on
19 Appropriations that the organization, department, or
20 agency is—

21 (A) posting on a publicly available Web
22 site, consistent with privacy regulations and due
23 process, regular financial and programmatic au-
24 dits of such organization, department, or agen-
25 cy, and providing the United States Govern-

1 ment with necessary access to such financial
2 and performance audits; and

3 (B) effectively implementing and enforcing
4 policies and procedures which reflect best prac-
5 tices for the protection of whistleblowers from
6 retaliation, including best practices for—

7 (i) protection against retaliation for
8 internal and lawful public disclosures;

9 (ii) legal burdens of proof;

10 (iii) statutes of limitation for report-
11 ing retaliation;

12 (iv) access to independent adjudicative
13 bodies, including external arbitration; and

14 (v) results that eliminate the effects of
15 proven retaliation.

16 (2) The restrictions imposed by or pursuant to
17 paragraph (1) may be waived on a case-by-case basis
18 if the Secretary of State determines and reports to
19 the Committees on Appropriations that such waiver
20 is necessary to avert or respond to a humanitarian
21 crisis.

22 (b) RESTRICTIONS ON UNITED NATIONS DELEGA-
23 TIONS AND ORGANIZATIONS.—

24 (1) None of the funds made available under
25 title I of this Act may be used to pay expenses for

1 any United States delegation to any specialized
2 agency, body, or commission of the United Nations
3 if such agency, body, or commission is chaired or
4 presided over by a country, the government of which
5 the Secretary of State has determined, for purposes
6 of section 6(j)(1) of the Export Administration Act
7 of 1979 as continued in effect pursuant to the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. App. 2405(j)(1)), supports international ter-
10 rorism.

11 (2) None of the funds made available under
12 title I of this Act may be used by the Secretary of
13 State as a contribution to any organization, agency,
14 commission, or program within the United Nations
15 system if such organization, agency, commission, or
16 program is chaired or presided over by a country the
17 government of which the Secretary of State has de-
18 termined, for purposes of section 620A of the For-
19 eign Assistance Act of 1961, section 40 of the Arms
20 Export Control Act, section 6(j)(1) of the Export
21 Administration Act of 1979, or any other provision
22 of law, is a government that has repeatedly provided
23 support for acts of international terrorism.

24 (3) The Secretary of State may waive the re-
25 striction in this subsection if the Secretary reports

1 to the Committees on Appropriations that to do so
2 is in the national interest of the United States.

3 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—

4 None of the funds appropriated by this Act may be made
5 available in support of the United Nations Human Rights
6 Council unless the Secretary of State determines and re-
7 ports to the Committees on Appropriations that participa-
8 tion in the Council is important to the national interest
9 of the United States and that the Council is taking steps
10 to remove Israel as a permanent agenda item: *Provided*,
11 That such report shall include a description of the national
12 interest served and the steps taken to remove Israel as
13 a permanent agenda item: *Provided further*, That the Sec-
14 retary of State shall report to the Committees on Appro-
15 priations not later than September 30, 2017, on the reso-
16 lutions considered in the United Nations Human Rights
17 Council during the previous 12 months, and on steps
18 taken to remove Israel as a permanent agenda item.

19 (d) UNITED NATIONS RELIEF AND WORKS AGEN-
20 CY.—Not later than 45 days after enactment of this Act,
21 the Secretary of State shall submit a report in writing to
22 the Committees on Appropriations on whether the United
23 Nations Relief and Works Agency (UNRWA) is—

24 (1) utilizing Operations Support Officers in the
25 West Bank, Gaza, and other fields of operation to

1 inspect UNRWA installations and reporting any in-
2 appropriate use;

3 (2) acting promptly to address any staff or ben-
4 efitary violation of its own policies (including the
5 policies on neutrality and impartiality of employees)
6 and the legal requirements under section 301(c) of
7 the Foreign Assistance Act of 1961;

8 (3) implementing procedures to maintain the
9 neutrality of its facilities, including implementing a
10 no-weapons policy, and conducting regular inspec-
11 tions of its installations, to ensure they are only
12 used for humanitarian or other appropriate pur-
13 poses;

14 (4) taking necessary and appropriate measures
15 to ensure it is operating in compliance with the con-
16 ditions of section 301(c) of the Foreign Assistance
17 Act of 1961 and continuing regular reporting to the
18 Department of State on actions it has taken to en-
19 sure conformance with such conditions;

20 (5) taking steps to ensure the content of all
21 educational materials currently taught in UNRWA-
22 administered schools and summer camps is con-
23 sistent with the values of human rights, dignity, and
24 tolerance and does not induce incitement;

1 (6) not engaging in operations with financial in-
2 stitutions or related entities in violation of relevant
3 United States law, and is taking steps to improve
4 the financial transparency of the organization; and

5 (7) in compliance with the United Nations
6 Board of Auditors' biennial audit requirements and
7 is implementing in a timely fashion the Board's rec-
8 ommendations.

9 (e) PROHIBITION OF PAYMENTS TO UNITED NA-
10 TIONS MEMBERS.—None of the funds appropriated or
11 made available pursuant to titles III through VI of this
12 Act for carrying out the Foreign Assistance Act of 1961,
13 may be used to pay in whole or in part any assessments,
14 arrearages, or dues of any member of the United Nations
15 or, from funds appropriated by this Act to carry out chap-
16 ter 1 of part I of the Foreign Assistance Act of 1961,
17 the costs for participation of another country's delegation
18 at international conferences held under the auspices of
19 multilateral or international organizations.

20 (f) UNITED NATIONS CAPITAL MASTER PLAN.—
21 None of the funds made available in this Act may be used
22 for the design, renovation, or construction of the United
23 Nations Headquarters in New York.

24 (g) WITHHOLDING REPORT.—Not later than 45 days
25 after enactment of this Act, the Secretary of State shall

1 submit a report to the Committees on Appropriations de-
2 tailing the amount of funds available for obligation or ex-
3 penditure in fiscal year 2017 for contributions to any or-
4 ganization, department, agency, or program within the
5 United Nations system or any international program that
6 are withheld from obligation or expenditure due to any
7 provision of law: *Provided*, That the Secretary of State
8 shall update such report each time additional funds are
9 withheld by operation of any provision of law: *Provided*
10 *further*, That the reprogramming of any withheld funds
11 identified in such report, including updates thereof, shall
12 be subject to prior consultation with, and the regular noti-
13 fication procedures of, the Committees on Appropriations.

14 SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING
15 MISSIONS

16 SEC. 7049. (a) CONSEQUENCES.—Funds appro-
17 priated by this Act shall be made available for Department
18 of State activities to reform the model memorandum of
19 understanding (United Nations A/C.5/66/8) between the
20 United Nations and any government of a country contrib-
21 uting personnel to United Nations peacekeeping missions,
22 to include the following consequences if the United Na-
23 tions Secretary-General has reason to believe that any
24 such government is unwilling or unable to exercise the
25 criminal or disciplinary jurisdiction assured by such gov-

1 ernment in paragraphs 7.22 and 7.23 of chapter 9 of such
2 memorandum of understanding against personnel who are
3 accused of violating such paragraphs—

4 (1) the mandatory repatriation of any peace-
5 keeping personnel of such country from the peace-
6 keeping operation where the allegation or allegations
7 arose; and

8 (2) the prohibition of participation by such
9 country in future peacekeeping missions until the
10 government of such country takes appropriate inves-
11 tigative and punitive actions against such personnel:

12 *Provided*, That the Secretary of State shall submit a re-
13 port to the appropriate congressional committees not later
14 than 180 days after enactment of this Act on the re-
15 sponses of members of the United Nations General Assem-
16 bly to such reform efforts.

17 (b) WITHHOLDING OF ASSISTANCE.—The Secretary
18 of State shall withhold assistance to any unit of the secu-
19 rity forces of a foreign country if the Secretary has cred-
20 ible evidence that such unit has engaged in acts of sexual
21 exploitation or abuse, including while serving in a United
22 Nations peacekeeping mission, until the Secretary deter-
23 mines that the government of such country is taking effec-
24 tive steps to bring the responsible members of the security
25 forces to justice and to prevent future incidents: *Provided*,

1 That the Secretary of State shall promptly notify the gov-
2 ernment of each country subject to any withholding of as-
3 sistance pursuant to this subsection, and shall notify the
4 appropriate congressional committees of such withholding
5 not later than 10 days after a determination to withhold
6 such assistance is made: *Provided further*, That the Sec-
7 retary shall, to the maximum extent practicable, assist
8 such government to bring the responsible members of the
9 security forces to justice: *Provided further*, That for pur-
10 poses of this paragraph, the word “assistance” shall mean
11 assistance appropriated under the headings “Peacekeeping
12 Operations”, “International Military Education and
13 Training”, and “Foreign Military Financing Program” in
14 this Act, and assistance authorized pursuant to section
15 516 and 524 of the Foreign Assistance Act of 1961 (22
16 U.S.C. 2321j and 2344) and section 23 of the Arms Ex-
17 port Control Act (22 U.S.C. 2763).

18 (c) WAIVER.—The Secretary of State may waive the
19 requirements of subsection (b), if the Secretary determines
20 and reports to the Committees on Appropriations that it
21 is important to the national security interest of the United
22 States to do so, and includes a justification for such waiv-
23 er.

1 PROHIBITION ON PROMOTION OF TOBACCO

2 SEC. 7050. None of the funds provided by this Act
3 shall be available to promote the sale or export of tobacco
4 or tobacco products, or to seek the reduction or removal
5 by any foreign country of restrictions on the marketing
6 of tobacco or tobacco products, except for restrictions
7 which are not applied equally to all tobacco or tobacco
8 products of the same type.

9 INTERNATIONAL CONFERENCES

10 SEC. 7051. None of the funds made available in this
11 Act may be used to send or otherwise pay for the attend-
12 ance of more than 50 employees of agencies or depart-
13 ments of the United States Government who are stationed
14 in the United States, at any single international con-
15 ference occurring outside the United States, unless the
16 Secretary of State reports to the Committees on Appro-
17 priations at least 5 days in advance that such attendance
18 is important to the national interest: *Provided*, That for
19 purposes of this section the term “international con-
20 ference” shall mean a conference attended by representa-
21 tives of the United States Government and of foreign gov-
22 ernments, international organizations, or nongovern-
23 mental organizations.

1 AIRCRAFT TRANSFER, COORDINATION, AND USE

2 SEC. 7052. (a) TRANSFER.—Notwithstanding any
3 other provision of law or regulation, aircraft procured with
4 funds appropriated by this Act and prior Acts making ap-
5 propriations for the Department of State, foreign oper-
6 ations, and related programs under the headings “Diplo-
7 matic and Consular Programs”, “International Narcotics
8 Control and Law Enforcement”, “Andean Counterdrug
9 Initiative”, and “Andean Counterdrug Programs” may be
10 used for any other program and in any region, including
11 for the transportation of active and standby Civilian Re-
12 sponse Corps personnel and equipment during a deploy-
13 ment: *Provided*, That the responsibility for policy decisions
14 and justification for the use of such transfer authority
15 shall be the responsibility of the Secretary of State and
16 the Deputy Secretary of State and this responsibility shall
17 not be delegated.

18 (b) PROPERTY DISPOSAL.—The authority provided
19 in subsection (a) shall apply only after the Secretary of
20 State determines and reports to the Committees on Appro-
21 priations that the equipment is no longer required to meet
22 programmatic purposes in the designated country or re-
23 gion: *Provided*, That any such transfer shall be subject
24 to prior consultation with, and the regular notification
25 procedures of, the Committees on Appropriations.

1 (c) AIRCRAFT COORDINATION.—

2 (1) The uses of aircraft purchased or leased by
3 the Department of State and the United States
4 Agency for International Development with funds
5 made available in this Act or prior Acts making ap-
6 propriations for the Department of State, foreign
7 operations, and related programs shall be coordi-
8 nated under the authority of the appropriate Chief
9 of Mission: *Provided*, That such aircraft may be
10 used to transport, on a reimbursable or non-reim-
11 bursable basis, Federal and non-Federal personnel
12 supporting Department of State and USAID pro-
13 grams and activities: *Provided further*, That official
14 travel for other agencies for other purposes may be
15 supported on a reimbursable basis, or without reim-
16 bursement when traveling on a space available basis:
17 *Provided further*, That funds received by the Depart-
18 ment of State for the use of aircraft owned, leased,
19 or chartered by the Department of State may be
20 credited to the Working Capital Fund of the Depart-
21 ment and shall be available for expenses related to
22 the purchase, lease, maintenance, chartering, or op-
23 eration of such aircraft.

1 (b) CLUSTER MUNITIONS.—No military assistance
2 shall be furnished for cluster munitions, no defense export
3 license for cluster munitions may be issued, and no cluster
4 munitions or cluster munitions technology shall be sold or
5 transferred, unless—

6 (1) the submunitions of the cluster munitions,
7 after arming, do not result in more than 1 percent
8 unexploded ordnance across the range of intended
9 operational environments, and the agreement appli-
10 cable to the assistance, transfer, or sale of such clus-
11 ter munitions or cluster munitions technology speci-
12 fies that the cluster munitions will only be used
13 against clearly defined military targets and will not
14 be used where civilians are known to be present or
15 in areas normally inhabited by civilians; or

16 (2) such assistance, license, sale, or transfer is
17 for the purpose of demilitarizing or permanently dis-
18 posing of such cluster munitions.

19 PROHIBITION ON PUBLICITY OR PROPAGANDA

20 SEC. 7055. No part of any appropriation contained
21 in this Act shall be used for publicity or propaganda pur-
22 poses within the United States not authorized before the
23 date of the enactment of this Act by Congress: *Provided*,
24 That not to exceed \$25,000 may be made available to
25 carry out the provisions of section 316 of the International

1 Security and Development Cooperation Act of 1980 (Pub-
2 lic Law 96–533).

3 CONTINUOUS SUPERVISION AND GENERAL DIRECTION OF
4 ECONOMIC AND MILITARY ASSISTANCE

5 SEC. 7056. Under the direction of the President, the
6 Secretary of State shall be responsible for the continuous
7 supervision and general direction of economic assistance,
8 law enforcement and justice sector assistance, military as-
9 sistance, and military education and training programs,
10 including but not limited to determining whether there
11 shall be a military assistance (including civic action) or
12 a military education and training program for a country
13 and the value thereof, to the end that such programs are
14 effectively integrated both at home and abroad and the
15 foreign policy of the United States is best served thereby.

16 UNITED STATES AGENCY FOR INTERNATIONAL
17 DEVELOPMENT MANAGEMENT

18 SEC. 7057. (a) AUTHORITY.—Up to \$93,000,000 of
19 the funds made available in title III of this Act pursuant
20 to or to carry out the provisions of part I of the Foreign
21 Assistance Act of 1961, including funds appropriated
22 under the heading “Assistance for Europe, Eurasia and
23 Central Asia”, may be used by the United States Agency
24 for International Development to hire and employ individ-
25 uals in the United States and overseas on a limited ap-

1 pointment basis pursuant to the authority of sections 308
2 and 309 of the Foreign Service Act of 1980.

3 (b) RESTRICTIONS.—

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

7 (2) The authority to hire individuals contained
8 in subsection (a) shall expire on September 30,
9 2018.

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

18 (d) PROGRAM ACCOUNT CHARGED.—The account
19 charged for the cost of an individual hired and employed
20 under the authority of this section shall be the account
21 to which the responsibilities of such individual primarily
22 relate: *Provided*, That funds made available to carry out
23 this section may be transferred to, and merged with, funds
24 appropriated by this Act in title II under the heading “Op-
25 erating Expenses”.

1 (e) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
2 viduals hired and employed by USAID, with funds made
3 available in this Act or prior Acts making appropriations
4 for the Department of State, foreign operations, and re-
5 lated programs, pursuant to the authority of section 309
6 of the Foreign Service Act of 1980, may be extended for
7 a period of up to 4 years notwithstanding the limitation
8 set forth in such section.

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

20 (g) PERSONAL SERVICES CONTRACTORS.—Funds ap-
21 propriated by this Act to carry out chapter 1 of part I,
22 chapter 4 of part II, and section 667 of the Foreign As-
23 sistance Act of 1961, and title II of the Food for Peace
24 Act (Public Law 83–480), may be used by USAID to em-
25 ploy up to 40 personal services contractors in the United

1 States, notwithstanding any other provision of law, for the
2 purpose of providing direct, interim support for new or
3 expanded overseas programs and activities managed by
4 the agency until permanent direct hire personnel are hired
5 and trained: *Provided*, That not more than 15 of such con-
6 tractors shall be assigned to any bureau or office: *Provided*
7 *further*, That such funds appropriated to carry out title
8 II of the Food for Peace Act (Public Law 83–480), may
9 be made available only for personal services contractors
10 assigned to the Office of Food for Peace.

11 (h) SMALL BUSINESS.—In entering into multiple
12 award indefinite-quantity contracts with funds appro-
13 priated by this Act, USAID may provide an exception to
14 the fair opportunity process for placing task orders under
15 such contracts when the order is placed with any category
16 of small or small disadvantaged business.

17 (i) SENIOR FOREIGN SERVICE LIMITED APPOINT-
18 MENTS.—Individuals hired pursuant to the authority pro-
19 vided by section 7059(o) of the Department of State, For-
20 eign Operations, and Related Programs Appropriations
21 Act, 2011 (division F of Public Law 111–117) may be
22 assigned to or support programs in Afghanistan or Paki-
23 stan with funds made available in this Act and prior Acts
24 making appropriations for the Department of State, for-
25 eign operations, and related programs.

1 GLOBAL HEALTH ACTIVITIES

2 SEC. 7058. (a) IN GENERAL.—Funds appropriated
3 by titles III and IV of this Act that are made available
4 for global health programs including activities relating to
5 research on, and the prevention, treatment and control of,
6 HIV/AIDS may be made available notwithstanding any
7 other provision of law except for provisions under the
8 heading “Global Health Programs” and the United States
9 Leadership Against HIV/AIDS, Tuberculosis, and Malaria
10 Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as
11 amended: *Provided*, That of the funds appropriated under
12 title III of this Act, not less than \$585,000,000 shall be
13 made available for family planning/reproductive health, in-
14 cluding in areas where population growth threatens bio-
15 diversity or endangered species.

16 (b) GLOBAL FUND.—Of the funds appropriated by
17 this Act that are available for a contribution to the Global
18 Fund to Fight AIDS, Tuberculosis and Malaria (Global
19 Fund), 10 percent should be withheld from obligation until
20 the Secretary of State determines and reports to the Com-
21 mittees on Appropriations that the Global Fund is—

22 (1) maintaining and implementing a policy of
23 transparency, including the authority of the Global
24 Fund Office of the Inspector General (OIG) to pub-
25 lish OIG reports on a public Web site;

1 (2) providing sufficient resources to maintain
2 an independent OIG that—

3 (A) reports directly to the Board of the
4 Global Fund;

5 (B) maintains a mandate to conduct thor-
6 ough investigations and programmatic audits,
7 free from undue interference; and

8 (C) compiles regular, publicly published
9 audits and investigations of financial, pro-
10 grammatic, and reporting aspects of the Global
11 Fund, its grantees, recipients, sub-recipients,
12 and Local Fund Agents;

13 (3) effectively implementing and enforcing poli-
14 cies and procedures which reflect best practices for
15 the protection of whistleblowers from retaliation, in-
16 cluding best practices for—

17 (A) protection against retaliation for inter-
18 nal and lawful public disclosures;

19 (B) legal burdens of proof;

20 (C) statutes of limitation for reporting re-
21 taliation;

22 (D) access to independent adjudicative
23 bodies, including external arbitration; and

24 (E) results that eliminate the effects of
25 proven retaliation; and

1 (4) implementing the recommendations con-
2 tained in the Consolidated Transformation Plan ap-
3 proved by the Board of the Global Fund on Novem-
4 ber 21, 2011:

5 *Provided*, That such withholding shall not be in addition
6 to funds that are withheld from the Global Fund in fiscal
7 year 2017 pursuant to the application of any other provi-
8 sion contained in this or any other Act.

9 (c) CONTAGIOUS INFECTIOUS DISEASE OUT-
10 BREAKS.—If the Secretary of State determines and re-
11 ports to the Committees on Appropriations that an inter-
12 national infectious disease outbreak is sustained, severe,
13 and is spreading internationally, or that it is in the na-
14 tional interest to respond to a Public Health Emergency
15 of International Concern, funds appropriated by this Act
16 under the headings “Global Health Programs”, “Develop-
17 ment Assistance”, “International Disaster Assistance”,
18 “Complex Crises Fund”, “Economic Support Fund”,
19 “Democracy Fund”, “Assistance for Europe, Eurasia and
20 Central Asia”, and “Migration and Refugee Assistance”
21 may be made available to combat such infectious disease
22 or public health emergency: *Provided*, That funds made
23 available pursuant to the authority of this subsection shall
24 be subject to prior consultation with, and the regular noti-
25 fication procedures of, the Committees on Appropriations.

1 GENDER EQUALITY

2 SEC. 7059. (a) GENDER EQUALITY.—Funds appro-
3 priated by this Act shall be made available to promote gen-
4 der equality in United States Government diplomatic and
5 development efforts by raising the status, increasing the
6 participation, and protecting the rights of women and girls
7 worldwide.

8 (b) WOMEN’S LEADERSHIP.—Of the funds appro-
9 priated by title III of this Act, not less than \$50,000,000
10 shall be made available to increase leadership opportuni-
11 ties for women in countries where women and girls suffer
12 discrimination due to law, policy, or practice, by strength-
13 ening protections for women’s political status, expanding
14 women’s participation in political parties and elections,
15 and increasing women’s opportunities for leadership posi-
16 tions in the public and private sectors at the local, provin-
17 cial, and national levels.

18 (c) GENDER-BASED VIOLENCE.—

19 (1)(A) Of the funds appropriated by titles III
20 and IV of this Act, not less than \$157,270,000 shall
21 be made available to implement a multi-year strat-
22 egy to prevent and respond to gender-based violence
23 in countries where it is common in conflict and non-
24 conflict settings: *Provided*, That of the funds appro-
25 priated by this Act under the heading “Economic

1 Support Fund”, not less than \$1,500,000 shall be
2 transferred to, and merged with, funds made avail-
3 able by this Act under the heading “International
4 Organization and Programs” for the United Nations
5 Office of the Special Representative of the Sec-
6 retary-General for Sexual Violence in Conflict.

7 (B) Funds appropriated by titles III and IV of
8 this Act that are available to train foreign police, ju-
9 dicial, and military personnel, including for inter-
10 national peacekeeping operations, shall address,
11 where appropriate, prevention and response to gen-
12 der-based violence and trafficking in persons, and
13 shall promote the integration of women into the po-
14 lice and other security forces.

15 (2) Department of State and United States
16 Agency for International Development gender pro-
17 grams shall incorporate coordinated efforts to com-
18 bat a variety of forms of gender-based violence, in-
19 cluding child marriage, rape, female genital cutting
20 and mutilation, and domestic violence, among other
21 forms of gender-based violence in conflict and non-
22 conflict settings.

23 (3) Of the funds appropriated under title III of
24 this Act and prior Acts making appropriations for
25 the Department of State, foreign operations, and re-

1 made available for assistance for basic edu-
2 cation, and such funds may be made available
3 notwithstanding any provision of law that re-
4 stricts assistance to foreign countries: *Provided*,
5 That such funds may only be made available for
6 each country at a funding level for basic edu-
7 cation that does not exceed that contained in
8 the Congressional Budget Justification, Foreign
9 Operations, Summary Tables, Fiscal Year
10 2017: *Provided further*, That such funds should
11 only be used to implement the stated objectives
12 of basic education programs for each Country
13 Development Cooperation Strategy or similar
14 strategy regarding basic education established
15 by the United States Agency for International
16 Development: *Provided further*, That the
17 USAID Administrator, following consultation
18 with the Committees on Appropriations, may
19 reprogram funds between countries, except that
20 no such reprogramming may result in an overall
21 funding level for basic education exceeding the
22 total amount justified for fiscal year 2017: *Pro-*
23 *vided further*, That for the purposes of funds
24 made available for basic education by this Act
25 and prior Acts making appropriations for the

1 Department of State, foreign operations, and
2 related programs, the term “basic education”
3 shall also include secondary education.

4 (B) Not later than 30 days after enact-
5 ment of this Act, the USAID Administrator
6 shall report to the Committees on Appropria-
7 tions on the status of cumulative unobligated
8 balances and obligated, but unexpended, bal-
9 ances in each country where USAID provides
10 basic education assistance and such report shall
11 also include details on the types of contracts
12 and grants provided and the goals and objec-
13 tives of such assistance: *Provided*, That the
14 USAID Administrator shall update such report
15 on a quarterly basis during fiscal year 2017:
16 *Provided further*, That if the USAID Adminis-
17 trator determines that any unobligated balances
18 of funds specifically designated for assistance
19 for basic education in prior Acts making appro-
20 priations for the Department of State, foreign
21 operations, and related programs are in excess
22 of the absorptive capacity of recipient countries,
23 such funds may be made available for other
24 programs authorized under chapter 1 of part I
25 of the Foreign Assistance Act of 1961, notwith-

1 standing such funding designation: *Provided*
2 *further*, That the authority of the previous pro-
3 viso shall be subject to prior consultation with,
4 and the regular notification procedures of, the
5 Committees on Appropriations.

6 (C) Of the funds appropriated under title
7 III of this Act for assistance for basic education
8 programs, not less than \$70,000,000 shall be
9 made available for a contribution to multilateral
10 partnerships that support education.

11 (2) HIGHER EDUCATION.—Of the funds appro-
12 priated by title III of this Act, not less than
13 \$226,352,000 shall be made available for assistance
14 for higher education, including not less than
15 \$35,000,000 for new partnerships between higher
16 education institutions in the United States and de-
17 veloping countries, including in sub-Saharan Africa:
18 *Provided*, That such funds may be made available
19 notwithstanding any other provision of law that re-
20 stricts assistance to foreign countries, and shall be
21 subject to the regular notification procedures of the
22 Committees on Appropriations.

23 (b) DEVELOPMENT PROGRAMS.—Of the funds appro-
24 priated by this Act under the heading “Development As-
25 sistance”, not less than \$26,000,000 shall be made avail-

1 able for the American Schools and Hospitals Abroad pro-
2 gram, and not less than \$12,000,000 shall be made avail-
3 able for cooperative development programs of USAID.

4 (c) ENVIRONMENT PROGRAMS.—

5 (1) AUTHORITY.—

6 (A) Funds appropriated by this Act to
7 carry out the provisions of sections 103 through
8 106, and chapter 4 of part II, of the Foreign
9 Assistance Act of 1961 that are made available
10 to support environment programs may be made
11 available notwithstanding any other provision of
12 law, except for paragraph (B).

13 (B) Of the funds appropriated by this Act
14 and prior Acts making appropriations for the
15 Department of State, foreign operations, and
16 related programs under the heading “Economic
17 Support Fund”, \$237,000,000 shall be made
18 available as a contribution to the Green Climate
19 Fund: *Provided*, That such funds shall not in-
20 clude funds designated for Overseas Continen-
21 tency Operations/Global War on Terrorism pur-
22 suant to section 251(b)(2)(A)(ii) of the Bal-
23 anced Budget and Emergency Deficit Control
24 Act of 1985.

1 (2) CONSERVATION PROGRAMS AND LIMITA-
2 TIONS.—

3 (A) Of the funds appropriated under title
4 III of this Act, not less than \$250,000,000
5 shall be made available for biodiversity con-
6 servation programs.

7 (B) Not less than \$55,000,000 of the
8 funds appropriated under titles III and IV of
9 this Act shall be made available to combat the
10 transnational threat of wildlife poaching and
11 trafficking.

12 (C) None of the funds appropriated under
13 title IV of this Act may be made available for
14 training or other assistance for any military
15 unit or personnel that the Secretary of State
16 determines has been credibly alleged to have
17 participated in wildlife poaching or trafficking,
18 unless the Secretary reports to the Committees
19 on Appropriations that to do so is in the na-
20 tional security interests of the United States.

21 (D) Funds appropriated by this Act for
22 biodiversity programs shall not be used to sup-
23 port the expansion of industrial scale logging or
24 any other industrial scale extractive activity
25 into areas that were primary/intact tropical for-

1 ests as of December 30, 2013, and the Sec-
2 retary of the Treasury shall instruct the United
3 States executive directors of each international
4 financial institutions (IFI) to vote against any
5 financing of any such activity.

6 (3) LARGE DAMS.—The Secretary of the Treas-
7 ury shall instruct the United States executive direc-
8 tor of each IFI that it is the policy of the United
9 States to vote in relation to any loan, grant, strat-
10 egy, or policy of such institution to support the con-
11 struction of any large dam consistent with the cri-
12 teria set forth in Senate Report 114–79, while also
13 considering whether the project involves important
14 foreign policy objectives.

15 (4) SUSTAINABLE LANDSCAPES.—Of the funds
16 appropriated under title III of this Act, not less than
17 \$123,500,000 shall be made available for sustainable
18 landscapes programs.

19 (d) FOOD SECURITY AND AGRICULTURAL DEVELOP-
20 MENT.—

21 (1) Of the funds appropriated by title III of
22 this Act, not less than \$1,053,000,000 should be
23 made available for food security and agricultural de-
24 velopment programs, of which not less than
25 \$32,000,000 shall be made available for the Feed

1 the Future Innovation Labs: *Provided*, That such
2 funds may be made available notwithstanding any
3 other provision of law to prevent or address food
4 shortages, and for a United States contribution to
5 the endowment of the Global Crop Diversity Trust.

6 (2) Funds appropriated under title III of this
7 Act may be made available as a contribution to the
8 Global Agriculture and Food Security Program if
9 such contribution will not cause the United States to
10 exceed 33 percent of the total amount of funds con-
11 tributed to such Program.

12 (e) MICROENTERPRISE AND MICROFINANCE.—Of the
13 funds appropriated by this Act, not less than
14 \$265,000,000 should be made available for microenter-
15 prise and microfinance development programs for the
16 poor, especially women.

17 (f) PROGRAMS TO COMBAT TRAFFICKING IN PER-
18 SONS AND MODERN SLAVERY.—

19 (1) TRAFFICKING IN PERSONS.—Of the funds
20 appropriated by this Act under the headings “Devel-
21 opment Assistance”, “Economic Support Fund”,
22 “Assistance for Europe, Eurasia and Central Asia”,
23 and “International Narcotics Control and Law En-
24 forcement”, not less than \$60,000,000 shall be made

1 available for activities to combat trafficking in per-
2 sons internationally.

3 (2) MODERN SLAVERY.—Of the funds appro-
4 priated by this Act under the headings “Develop-
5 ment Assistance” and “International Narcotics Con-
6 trol and Law Enforcement”, in addition to funds
7 made available pursuant to paragraph (1),
8 \$25,000,000 shall be made available for a grant or
9 grants, to be awarded on an open and competitive
10 basis, to reduce the prevalence of modern slavery
11 globally: *Provided*, That such funds may only be
12 made available in fiscal year 2017 to carry out the
13 End Modern Slavery Initiative Act of 2015 (S. 553,
14 114th Congress), as reported to the Senate, if such
15 bill is enacted into law: *Provided further*, That if
16 such bill is not enacted into law by the end of the
17 114th Congress, funds made available pursuant to
18 this subsection shall be made available for other pro-
19 grams to combat trafficking in persons and modern
20 slavery, following consultation with the appropriate
21 congressional committees.

22 (3) PROGRAM COORDINATION.—The Secretary
23 of State and USAID Administrator, as appropriate,
24 shall establish and implement guidelines to ensure
25 that programs funded by paragraphs (1) and (2) to

1 combat trafficking in persons and modern slavery
2 are coordinated and complementary, and not dupli-
3 cative.

4 (g) RECONCILIATION PROGRAMS.—Of the funds ap-
5 propriated by this Act under the headings “Economic
6 Support Fund”, “Assistance for Europe, Eurasia and
7 Central Asia”, and “Development Assistance”, not less
8 than \$26,000,000 shall be made available to support peo-
9 ple-to-people reconciliation programs which bring together
10 individuals of different ethnic, religious, and political
11 backgrounds from areas of civil strife and war: *Provided*,
12 That the USAID Administrator shall consult with the
13 Committees on Appropriations, prior to the initial obliga-
14 tion of funds, on the uses of such funds, and such funds
15 shall be subject to the regular notification procedures of
16 the Committees on Appropriations: *Provided further*, That
17 to the maximum extent practicable, such funds shall be
18 matched by sources other than the United States Govern-
19 ment.

20 (h) WATER AND SANITATION.—Of the funds appro-
21 priated by this Act, not less than \$400,000,000 shall be
22 made available for water supply and sanitation projects
23 pursuant to the Senator Paul Simon Water for the Poor
24 Act of 2005 (Public Law 109–121), of which not less than
25 \$145,000,000 shall be for programs in sub-Saharan Afri-

1 ca, and of which not less than \$14,000,000 shall be made
2 available for programs to design and build safe, public la-
3 trines in Africa and Asia.

4 OVERSEAS PRIVATE INVESTMENT CORPORATION

5 SEC. 7061. (a) TRANSFER OF FUNDS.—Whenever
6 the President determines that it is in furtherance of the
7 purposes of the Foreign Assistance Act of 1961, up to a
8 total of \$20,000,000 of the funds appropriated under title
9 III of this Act may be transferred to, and merged with,
10 funds appropriated by this Act for the Overseas Private
11 Investment Corporation Program Account, to be subject
12 to the terms and conditions of that account: *Provided*,
13 That such funds shall not be available for administrative
14 expenses of the Overseas Private Investment Corporation:
15 *Provided further*, That designated funding levels in this
16 Act shall not be transferred pursuant to this section: *Pro-*
17 *vided further*, That the exercise of such authority shall be
18 subject to the regular notification procedures of the Com-
19 mittees on Appropriations.

20 (b) AUTHORITY.—Notwithstanding section 235(a)(2)
21 of the Foreign Assistance Act of 1961, the authority of
22 subsections (a) through (c) of section 234 of such Act
23 shall remain in effect until September 30, 2017.

1 ARMS TRADE TREATY

2 SEC. 7062. None of the funds appropriated by this
3 Act may be obligated or expended to implement the Arms
4 Trade Treaty until the Senate approves a resolution of
5 ratification for the Treaty.

6 INSPECTORS GENERAL

7 SEC. 7063. (a) PROHIBITION ON USE OF FUNDS.—
8 None of the funds appropriated by this Act may be used
9 to deny an Inspector General funded under this Act timely
10 access to any records, documents, or other materials avail-
11 able to the department or agency of the United States
12 Government over which such Inspector General has re-
13 sponsibilities under the Inspector General Act of 1978 (5
14 U.S.C. App.), or to prevent or impede the access of such
15 Inspector General to such records, documents, or other
16 materials, under any provision of law, except a provision
17 of law that expressly refers to such Inspector General and
18 expressly limits the right of access of such Inspector Gen-
19 eral.

20 (b) TIMELY ACCESS.—A department or agency of the
21 United States Government covered by this section shall
22 provide its Inspector General access to all records, docu-
23 ments, and other materials in a timely manner.

24 (c) COMPLIANCE.—Each Inspector General covered
25 by this section shall ensure compliance with statutory limi-

1 tations on disclosure relevant to the information provided
2 by the department or agency over which that Inspector
3 General has responsibilities under the Inspector General
4 Act of 1978 (5 U.S.C. App.).

5 (d) REPORT REQUIREMENT.—Each Inspector Gen-
6 eral covered by this section shall report to the Committees
7 on Appropriations within 5 calendar days of any failures
8 by any department or agency of the United States Govern-
9 ment to provide its Inspector General access to all re-
10 quested records, documents, and other materials.

11 REPORTING REQUIREMENTS CONCERNING INDIVIDUALS
12 DETAINED AT NAVAL STATION, GUANTÁNAMO BAY, CUBA
13 SEC. 7064. Not later than 5 days after the conclusion
14 of an agreement with a country, including a state with
15 a compact of free association with the United States, to
16 receive by transfer or release individuals detained at
17 United States Naval Station, Guantánamo Bay, Cuba, the
18 Secretary of State shall notify the Committees on Appro-
19 priations in writing of the terms of the agreement, includ-
20 ing whether funds appropriated by this Act or prior Acts
21 making appropriations for the Department of State, for-
22 eign operations, and related programs will be made avail-
23 able for assistance for such country pursuant to such
24 agreement.

1 NORTH AMERICAN DEVELOPMENT BANK

2 SEC. 7065. Part 2 of subtitle D of title V of Public
3 Law 103–182, as amended (22 U.S.C. 290m et seq.), is
4 further amended by adding at the end thereof the fol-
5 lowing new section:

6 **“SEC. 547. FIRST CAPITAL INCREASE.**

7 “(a) SUBSCRIPTION AUTHORIZED.—

8 “(1) The Secretary of the Treasury may sub-
9 scribe on behalf of the United States to 150,000 ad-
10 ditional shares of the capital stock of the Bank.

11 “(2) Any subscription by the United States to
12 the capital stock of the Bank shall be effective only
13 to such extent and in such amounts as are provided
14 in advance in appropriations Acts.

15 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
16 PRIATIONS.—

17 “(1) In order to pay for the increase in the
18 United States subscription to the Bank under sub-
19 section (a), there are authorized to be appropriated,
20 without fiscal year limitation, \$1,500,000,000 for
21 payment by the Secretary of the Treasury.

22 “(2) Of the amount authorized to be appro-
23 priated under paragraph (1)—

24 “(A) \$225,000,000 shall be for paid in
25 shares of the Bank; and

1 “(B) \$1,275,000,000 shall be callable
2 shares of the Bank.”.

3 PROHIBITION ON USE OF TORTURE

4 SEC. 7066. (a) LIMITATION.—None of the funds
5 made available in this Act may be used to support or jus-
6 tify the use of torture, cruel, or inhumane treatment by
7 any official or contract employee of the United States Gov-
8 ernment.

9 (b) ASSISTANCE TO ELIMINATE TORTURE.—Funds
10 appropriated under titles III and IV of this Act shall be
11 made available, notwithstanding section 660 of the For-
12 eign Assistance Act of 1961 and following consultation
13 with the Committees on Appropriations, for assistance to
14 eliminate torture by foreign police, military or other secu-
15 rity forces in countries receiving assistance from funds ap-
16 propriated by this Act.

17 EXTRADITION

18 SEC. 7067. (a) LIMITATION.—None of the funds ap-
19 propriated in this Act may be used to provide assistance
20 (other than funds provided under the headings “Inter-
21 national Disaster Assistance”, “Complex Crises Fund”,
22 “International Narcotics Control and Law Enforcement”,
23 “Migration and Refugee Assistance”, “United States
24 Emergency Refugee and Migration Assistance Fund”, and
25 “Nonproliferation, Anti-terrorism, Demining and Related

1 Assistance”) for the central government of a country
2 which has notified the Department of State of its refusal
3 to extradite to the United States any individual indicted
4 for a criminal offense for which the maximum penalty is
5 life imprisonment without the possibility of parole or for
6 killing a law enforcement officer, as specified in a United
7 States extradition request.

8 (b) CLARIFICATION.—Subsection (a) shall only apply
9 to the central government of a country with which the
10 United States maintains diplomatic relations and with
11 which the United States has an extradition treaty and the
12 government of that country is in violation of the terms
13 and conditions of the treaty.

14 (c) WAIVER.—The Secretary of State may waive the
15 restriction in subsection (a) on a case-by-case basis if the
16 Secretary certifies to the Committees on Appropriations
17 that such waiver is important to the national interests of
18 the United States.

19 COMMERCIAL LEASING OF DEFENSE ARTICLES

20 SEC. 7068. Notwithstanding any other provision of
21 law, and subject to the regular notification procedures of
22 the Committees on Appropriations, the authority of sec-
23 tion 23(a) of the Arms Export Control Act may be used
24 to provide financing to Israel, Egypt, and the North Atlan-
25 tic Treaty Organization (NATO), and major non-NATO

1 allies for the procurement by leasing (including leasing
2 with an option to purchase) of defense articles from
3 United States commercial suppliers, not including Major
4 Defense Equipment (other than helicopters and other
5 types of aircraft having possible civilian application), if the
6 President determines that there are compelling foreign
7 policy or national security reasons for those defense arti-
8 cles being provided by commercial lease rather than by
9 government-to-government sale under such Act.

10 COMMUNITY-BASED POLICE ASSISTANCE

11 SEC. 7069. (a) AUTHORITY.—Funds made available
12 by titles III and IV of this Act to carry out the provisions
13 of chapter 1 of part I and chapters 4 and 6 of part II
14 of the Foreign Assistance Act of 1961, may be used, not-
15 withstanding section 660 of that Act, to enhance the effec-
16 tiveness and accountability of civilian police authority
17 through training and technical assistance in human rights,
18 the rule of law, anti-corruption, strategic planning, and
19 through assistance to foster civilian police roles that sup-
20 port democratic governance, including assistance for pro-
21 grams to prevent conflict, respond to disasters, address
22 gender-based violence, and foster improved police relations
23 with the communities they serve.

1 (b) NOTIFICATION.—Assistance provided under sub-
2 section (a) shall be subject to the regular notification pro-
3 cedures of the Committees on Appropriations.

4 RUSSIAN AGGRESSION

5 SEC. 7070. (a) LIMITATION.—None of the funds ap-
6 propriated by this Act may be made available for assist-
7 ance for the central Government of the Russian Federa-
8 tion.

9 (b) ANNEXATION OF CRIMEA.—

10 (1) None of the funds appropriated by this Act
11 may be made available for assistance for the central
12 government of a country that the Secretary of State
13 determines and reports to the Committees on Appro-
14 priations has taken affirmative steps intended to
15 support or be supportive of the Russian Federation
16 annexation of Crimea: *Provided*, That except as oth-
17 erwise provided in subsection (a), the Secretary may
18 waive the restriction on assistance required by this
19 paragraph if the Secretary certifies to such Commit-
20 tees that to do so is in the national interest of the
21 United States, and includes a justification for such
22 interest.

23 (2) None of the funds appropriated by this Act
24 may be made available for—

1 (A) the implementation of any action or
2 policy that recognizes the sovereignty of the
3 Russian Federation over Crimea;

4 (B) the facilitation, financing, or guarantee
5 of United States Government investments in
6 Crimea, if such activity includes the participa-
7 tion of Russian Government officials, or other
8 Russian owned or controlled financial entities;
9 or

10 (C) assistance for Crimea, if such assist-
11 ance includes the participation of Russian Gov-
12 ernment officials, or other Russian owned or
13 controlled financial entities.

14 (3) The Secretary of the Treasury shall instruct
15 the United States executive directors of each inter-
16 national financial institution to vote against any as-
17 sistance by such institution (including but not lim-
18 ited to any loan, credit, or guarantee) for any pro-
19 gram that violates the sovereignty or territorial in-
20 tegrity of Ukraine.

21 (4) The requirements and limitations of this
22 subsection shall cease to be in effect if the Secretary
23 of State certifies and reports to the Committees on
24 Appropriations that the Government of Ukraine has
25 reestablished sovereignty over Crimea.

1 (c) OCCUPATION OF THE GEORGIAN TERRITORIES OF
2 ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

3 (1) None of the funds appropriated by this Act
4 may be made available for assistance for the central
5 government of a country that the Secretary of State
6 determines and reports to the Committees on Appro-
7 priations has recognized the independence of, or has
8 established diplomatic relations with, the Russian oc-
9 cupied Georgian territories of Abkhazia and
10 Tskhinvali Region/South Ossetia: *Provided*, That the
11 Secretary shall publish on the Department of State
12 Web site a list of any such central governments in
13 a timely manner: *Provided further*, That the Sec-
14 retary may waive the restriction on assistance re-
15 quired by this paragraph if the Secretary certifies to
16 the Committees on Appropriations that to do so is
17 in the national interest of the United States, and in-
18 cludes a justification for such interest.

19 (2) None of the funds appropriated by this Act
20 may be made available to support the Russian occu-
21 pation of the Georgian territories of Abkhazia and
22 Tskhinvali Region/South Ossetia: *Provided*, That the
23 Secretary of the Treasury shall instruct the United
24 States executive directors of each international fi-
25 nancial institution to vote against any assistance by

1 such institution for any program that violates the
2 sovereignty and territorial integrity of Georgia.

3 (3) Not later than 90 days after enactment of
4 this Act, the Secretary of State shall submit to the
5 appropriate congressional committees a report on ac-
6 tions taken by the Russian Federation to further
7 consolidate the occupation of the Georgian terri-
8 tories of Abkhazia and Tskhinvali Region/South
9 Ossetia, including the estimated annual costs of oc-
10 cupation.

11 (d) ASSISTANCE TO REDUCE VULNERABILITY AND
12 PRESSURE.—Funds appropriated by this Act and made
13 available for assistance for the Eastern Partnership coun-
14 tries shall be made available to advance the implementa-
15 tion of Association Agreements and trade agreements with
16 the European Union, and to reduce their vulnerability to
17 external economic and political pressure from the Russian
18 Federation.

19 (e) DEMOCRACY PROGRAMS.—Funds appropriated by
20 this Act shall be made available to support democracy pro-
21 grams in the Russian Federation, including to promote
22 Internet freedom, and shall also be made available to sup-
23 port the democracy and rule of law strategy required by
24 section 7071(d) of the Department of State, Foreign Op-

1 erations, and Related Programs Appropriations Act, 2014
2 (division K of Public Law 113–76).

3 (f) REPORTS.—Not later than 45 days after enact-
4 ment of this Act, the Secretary of State shall update the
5 reports required by section 7071(b)(2), (c), and (e) of the
6 Department of State, Foreign Operations, and Related
7 Programs Appropriations Act, 2014 (division K of Public
8 Law 113–76).

9 INTERNATIONAL MONETARY FUND

10 SEC. 7071. (a) EXTENSIONS.—The terms and condi-
11 tions of sections 7086(b) (1) and (2) and 7090(a) of the
12 Department of State, Foreign Operations, and Related
13 Programs Appropriations Act, 2010 (division F of Public
14 Law 111–117) shall apply to this Act.

15 (b) REPAYMENT.—The Secretary of the Treasury
16 shall instruct the United States Executive Director of the
17 International Monetary Fund (IMF) to seek to ensure
18 that any loan will be repaid to the IMF before other pri-
19 vate creditors.

20 SPECIAL DEFENSE ACQUISITION FUND

21 SEC. 7072. Not to exceed \$900,000,000 may be obli-
22 gated pursuant to section 51(c)(2) of the Arms Export
23 Control Act for the purposes of the Special Defense Acqui-
24 sition Fund (the Fund), to remain available for obligation
25 until September 30, 2019: *Provided*, That the provision

1 of defense articles and defense services to foreign coun-
2 tries or international organizations from the Fund shall
3 be subject to the concurrence of the Secretary of State.

4 STABILITY AND DEVELOPMENT IN REGIONS IMPACTED BY
5 EXTREMISM

6 SEC. 7073. (a) COUNTERING FOREIGN FIGHTERS
7 AND EXTREMIST ORGANIZATIONS, AND STRENGTHENING
8 THE STATE SYSTEM.—

9 (1) Funds appropriated under titles III and IV
10 of this Act shall be made available to implement the
11 Department of State and USAID Joint Strategy on
12 Countering Violent Extremism, May 2016 (the Joint
13 Strategy) submitted to the Committees on Appro-
14 priations pursuant to section 7073 of the Depart-
15 ment of State, Foreign Operations, and Related Pro-
16 grams Appropriations Act, 2016 (division K of Pub-
17 lic Law 114–113), and for programs to strengthen
18 governance and protection of human rights in coun-
19 tries impacted by extremism: *Provided*, That the
20 Secretary of State shall ensure that programs imple-
21 mented pursuant to this paragraph are coordinated
22 with and complement the efforts of other United
23 States Government agencies and international part-
24 ners: *Provided further*, That the Secretary shall also
25 ensure that information gained through the conduct

1 of such programs is shared in a timely manner with
2 relevant United States Government agencies and
3 other international partners, as appropriate: *Pro-*
4 *vided further*, That not later than September 30,
5 2018, the Secretary of State shall submit a report
6 to the Committees on Appropriations detailing the
7 programs, on a country-by-country basis, conducted,
8 or intended to be conducted, under the strategic ob-
9 jectives for countering foreign terrorist fighters and
10 extremism contained in the Joint Strategy.

11 (2) Funds appropriated under titles III and IV
12 of this Act shall be made available for security and
13 democracy programs in countries whose stability and
14 legitimacy are directly threatened by violence against
15 state institutions by extremists, including at the na-
16 tional and local levels, and in fragile states bordering
17 such countries.

18 (3) Funds made available pursuant to this sub-
19 section are subject to the regular notification proce-
20 dures of the Committees on Appropriations.

21 (b) COUNTRIES IMPACTED BY SIGNIFICANT REF-
22 UGEE POPULATIONS OR INTERNALLY DISPLACED PER-
23 SONS.—Funds appropriated by this Act under the head-
24 ings “Development Assistance” and “Economic Support
25 Fund” shall be made available for programs in countries

1 affected by significant populations of internally displaced
2 persons or refugees to—

3 (1) expand and improve host government social
4 services and basic infrastructure to accommodate the
5 needs of such populations and persons;

6 (2) alleviate the social and economic strains
7 placed on host communities;

8 (3) improve coordination of such assistance in
9 a more effective and sustainable manner; and

10 (4) leverage increased assistance from donors
11 other than the United States Government for central
12 governments and local communities in such coun-
13 tries:

14 *Provided*, That the Secretary of State shall periodically in-
15 form the Committees on Appropriations of the amount
16 and specific uses of funds made available for the purposes
17 of this subsection.

18 (c) WOMEN AND GIRLS AT RISK FROM EXTRE-
19 MISM.—

20 (1) ASSISTANCE.—Of the funds appropriated by
21 this Act under the heading “Economic Support
22 Fund”, not less than \$28,000,000 shall be made
23 available only for grants and cooperative agreements
24 to support women and girls in predominantly Mus-
25 lim countries and other countries who are at risk

1 from extremism and conflict, including for activities
2 to—

3 (A) empower women and girls to counter
4 extremism, including family-oriented activities
5 and through culturally appropriate programs to
6 promote tolerance and pluralism and the devel-
7 opment and dissemination of early warning and
8 response systems;

9 (B) address the needs of women and girls
10 adversely impacted by extremism and conflict,
11 including through comprehensive programs that
12 provide immediate and sustained livelihood sup-
13 port, psychosocial services, including for family
14 members, and the establishment of safe houses
15 and other centers dedicated to the empower-
16 ment and protection of women and girls;

17 (C) document crimes committed by extrem-
18 ists against women and girls in predominantly
19 Muslim countries and other countries, and sup-
20 port investigations and prosecutions of such
21 crimes, as appropriate, including forensic assist-
22 ance and exhumation of mass graves;

23 (D) increase the participation and influ-
24 ence of women in formal and informal political
25 processes and institutions at the local level and

1 within traditional governing structures, includ-
2 ing through the use of social media and train-
3 ing programs;

4 (E) support reconciliation programs be-
5 tween impacted minority, religious, and ethnic
6 groups and the broader community;

7 (F) support the establishment and imple-
8 mentation of legal reforms and protections for
9 women and girls at the national and local gov-
10 ernment levels; and

11 (G) create and sustain networks for women
12 and girls to collectively safeguard their rights
13 on a regional basis.

14 (2) RESPONSIBILITY OF FUNDS.—The Amba-
15 sador-at-Large for Global Women’s Issues, Depart-
16 ment of State, and the Under Secretary for Civilian
17 Security, Democracy, and Human Rights, Depart-
18 ment of State, in consultation with the Adminis-
19 trator of the United States Agency for International
20 Development, shall be responsible for the uses of
21 such funds.

22 (3) INTER-AGENCY STRATEGY, REPORT, AND
23 NOTIFICATION REQUIREMENT.—

24 (A) Not later than 90 days after enact-
25 ment of this Act, the Secretary of State, in con-

1 sultation with the USAID Administrator, shall
2 submit to the appropriate congressional com-
3 mittees an inter-agency strategy to support
4 women and girls in predominantly Muslim
5 countries and other countries who are at risk
6 from extremism and conflict, including esti-
7 mated funding requirements for programs and
8 activities through fiscal year 2020 and a de-
9 scription of the monitoring and evaluation pro-
10 tocols for such programs: *Provided*, That such
11 strategy shall be coordinated with, and com-
12 plement, the policies and objectives in the
13 United States National Plan on Women, Peace,
14 and Security, December 2011; the United
15 States Strategy to Prevent and Respond to
16 Gender-Based Violence Globally, 2012; and
17 USAID's Gender Equality and Female Em-
18 powerment Policy, March 2012.

19 (B) Not later than 180 days after enact-
20 ment of this Act, the Secretary of State, in con-
21 sultation with the USAID Administrator, shall
22 submit a report to the appropriate congress-
23 sional committees detailing all gender programs
24 supported during the past two fiscal years with
25 funds made available by prior Acts making ap-

1 appropriations for the Department of State, for-
2 foreign operations, and related programs: *Pro-*
3 *vided*, That such report shall include programs
4 that—

5 (i) address women’s economic and po-
6 litical participation and empowerment;

7 (ii) support women in peace and secu-
8 rity; and

9 (iii) prevent and respond to gender-
10 based violence.

11 (C) Funds made available pursuant to
12 paragraph (1) shall be in addition to amounts
13 available by this Act for such purposes, and
14 shall be subject to the regular notification pro-
15 cedures of the Committees on Appropriations.

16 (d) COMPREHENSIVE PLAN TO PREVENT AND AD-
17 DRESS EXTREMISM.—

18 (1) Funds appropriated by this Act under the
19 heading “Economic Support Fund” that are made
20 available for the Near East and Africa Relief and
21 Recovery Fund shall be made available for the
22 United States Institute of Peace to develop a com-
23 prehensive plan (the Plan) to prevent and address
24 the underlying causes of extremism in the Sahel,
25 Horn of Africa, and Near East regions.

1 (2) The United States Institute of Peace shall
2 consult with the Committees on Appropriations prior
3 to developing the Plan: *Provided*, That the Plan
4 shall include—

5 (A) a whole-of-government strategy to pre-
6 vent and address the underlying causes of ex-
7 tremism in the Sahel, Horn of Africa, and Near
8 East regions, including identification of contrib-
9 uting factors to such extremism and specific ac-
10 tions to mitigate such factors: *Provided*, That
11 such strategy and actions shall be developed in
12 consultation with relevant United States Gov-
13 ernment agencies, foreign governments, founda-
14 tions, the private sector, and local and inter-
15 national civil society organizations, as appro-
16 priate;

17 (B) a multi-year estimate of the costs asso-
18 ciated with the implementation of the Plan, in-
19 cluding consideration of funding made available
20 for the Plan from relevant United States Gov-
21 ernment agencies, other international donors,
22 foundations, the public sector, and respective
23 foreign governments in the Sahel, Horn of Afri-
24 ca, and Near East regions;

1 (C) a description of appropriate inter-agency
2 coordinating options for the Plan, and identification
3 of impediments in policy, law, or regulation
4 in countries in the Sahel, Horn of Africa,
5 and Near East regions that might impede implementation
6 of the Plan;

7 (D) consideration of specific conditions on
8 assistance for countries included in the Plan,
9 including cost-matching requirements by foreign
10 governments, as appropriate;

11 (E) an assessment of the ability and willingness
12 of each government in the Sahel, Horn
13 of Africa, and Near East regions to support implementation
14 of the Plan;

15 (F) detailed protocols for monitoring the
16 implementation of the Plan and assessing results; and
17

18 (G) a proposed pilot program designed for
19 a country or countries in the Sahel, Horn of Africa,
20 and Near East regions that applies the
21 strategy and actions developed under the Plan.

22 (3) The Department of State and USAID, in
23 coordination with other relevant United States Government
24 agencies, shall jointly review the proposed
25 pilot program required under subparagraph (G) and

1 within 5 days of such determination, the basis for such
2 determination and any resulting changes to program and
3 policy.

4 BUDGET DOCUMENTS

5 SEC. 7076. (a) OPERATING PLANS.—Not later than
6 45 days after the date of enactment of this Act, each de-
7 partment, agency, or organization funded in titles I, II,
8 and VI of this Act, and the Department of the Treasury
9 and Independent Agencies funded in title III of this Act,
10 including the Inter-American Foundation and the United
11 States African Development Foundation, shall submit to
12 the Committees on Appropriations an operating plan for
13 funds appropriated to such department, agency, or organi-
14 zation in such titles of this Act, or funds otherwise avail-
15 able for obligation in fiscal year 2017, that provides de-
16 tails of the uses of such funds at the program, project,
17 and activity level: *Provided*, That such plans shall include,
18 as applicable, a comparison between the congressional
19 budget justification funding levels, the most recent con-
20 gressional directives or approved funding levels, and the
21 funding levels proposed by the department or agency; and
22 a clear, concise, and informative description/justification:
23 *Provided further*, That if such department, agency, or or-
24 ganization receives an additional amount under the same
25 heading in title VIII of this Act, operating plans required

1 by this subsection shall include consolidated information
2 on all such funds: *Provided further*, That operating plans
3 that include changes in levels of funding for programs,
4 projects, and activities specified in the congressional budg-
5 et justification, in this Act, or amounts specifically des-
6 ignated in the respective tables included in the report ac-
7 companying this Act, as applicable, shall be subject to the
8 notification and reprogramming requirements of section
9 7015 of this Act.

10 (b) SPEND PLANS.—

11 (1) Prior to the initial obligation of funds, the
12 Secretary of State or Administrator of the United
13 States Agency for International Development, as ap-
14 propriate, shall submit to the Committees on Appro-
15 priations a spend plan for funds made available by
16 this Act, for—

17 (A) the regional security initiatives listed
18 under the heading “Reports, Notifications, and
19 Spend Plans” in the report accompanying this
20 Act; and

21 (B) democracy programs and sectors enu-
22 merated in subsections (a), (c)(2), (d)(1), (f),
23 and (h) of section 7060 of this Act.

24 (2) Not later than 45 days after enactment of
25 this Act, the Secretary of the Treasury shall submit

1 to the Committees on Appropriations a detailed
2 spend plan for funds made available by this Act
3 under the heading “Department of the Treasury,
4 International Affairs Technical Assistance” in title
5 III.

6 (c) SPENDING REPORT.—Not later than 45 days
7 after enactment of this Act, the USAID Administrator
8 shall submit to the Committees on Appropriations a de-
9 tailed report on spending of funds made available during
10 fiscal year 2016 under the heading “Development Credit
11 Authority”.

12 (d) NOTIFICATION.—The spend plan referenced in
13 subsection (b) shall not be considered as meeting the noti-
14 fication requirements in this Act or under section 634A
15 of the Foreign Assistance Act of 1961.

16 REPORTS AND RECORDS MANAGEMENT

17 SEC. 7077. (a) PUBLIC POSTING OF REPORTS.—

18 (1) REQUIREMENT.—Any agency receiving
19 funds made available by this Act shall, subject to
20 paragraphs (2) and (3), post on the publicly avail-
21 able Web site of such agency any report required by
22 this Act to be submitted to the Committees on Ap-
23 propriations, upon a determination by the head of
24 such agency that to do so is in the national interest.

1 (2) EXCEPTIONS.—Paragraph (1) shall not
2 apply to a report if—

3 (A) the public posting of such report would
4 compromise national security, including the
5 conduct of diplomacy; or

6 (B) the report contains proprietary, privi-
7 leged, or sensitive information.

8 (3) TIMING AND INTENTION.—The head of the
9 agency posting such report shall, unless otherwise
10 provided for in this Act, do so only after such report
11 has been made available to the Committees on Ap-
12 propriations for not less than 45 days: *Provided*,
13 That any report required by this Act to be submitted
14 to the Committees on Appropriations shall include
15 information from the submitting agency on whether
16 such report will be publicly posted.

17 (b) REQUESTS FOR DOCUMENTS.—None of the funds
18 appropriated or made available pursuant to titles III
19 through VI of this Act shall be available to a nongovern-
20 mental organization, including any contractor, which fails
21 to provide upon timely request any document, file, or
22 record necessary to the auditing requirements of the De-
23 partment of State and the United States Agency for Inter-
24 national Development.

25 (c) RECORDS MANAGEMENT.—

1 (1) LIMITATION.—None of the funds appro-
2 priated by this Act under the headings “Diplomatic
3 and Consular Programs” and “Capital Investment
4 Fund” in title I, and “Operating Expenses” and
5 “Capital Investment Fund” in title II that are made
6 available to the Department of State and USAID
7 may be made available to support the use or estab-
8 lishment of email accounts or email servers created
9 outside the .gov domain or not fitted for automated
10 records management as part of a Federal govern-
11 ment records management program in contravention
12 of the Presidential and Federal Records Act Amend-
13 ments of 2014 (Public Law 113–187).

14 (2) DIRECTIVES.—The Secretary of State and
15 USAID Administrator shall—

16 (A) use funds appropriated by this Act
17 under the headings “Diplomatic and Consular
18 Programs” and “Capital Investment Fund” in
19 title I, and “Operating Expenses” and “Capital
20 Investment Fund” in title II, as appropriate, to
21 improve Federal records management pursuant
22 to the Federal Records Act (44 U.S.C. Chap-
23 ters 21, 29, 31, and 33) and other applicable
24 Federal records management statutes, regula-

1 tions, or policies for the Department of State
2 and USAID;

3 (B) direct departing employees that all
4 Federal records generated by such employees,
5 including senior officials, belong to the Federal
6 Government; and

7 (C) significantly improve the response time
8 for identifying and retrieving Federal records,
9 including requests made pursuant to the Free-
10 dom of Information Act.

11 (3) REPORT.—Not later than 30 days after en-
12 actment of this Act, the Secretary of State and
13 USAID Administrator shall each submit a report to
14 the Committees on Appropriations and to the Na-
15 tional Archives and Records Administration detailing
16 the extent to which each agency is in compliance
17 with applicable Federal records management stat-
18 utes, regulations, and policies, and steps taken to
19 strengthen cybersecurity.

20 GLOBAL INTERNET FREEDOM

21 SEC. 7078. (a) FUNDING.—Of the funds available for
22 obligation during fiscal year 2017 under the headings
23 “International Broadcasting Operations”, “Economic
24 Support Fund”, “Democracy Fund”, and “Assistance for
25 Europe, Eurasia and Central Asia”, not less than

1 \$50,500,000 shall be made available for programs to pro-
2 mote Internet freedom globally: *Provided*, That such pro-
3 grams shall be prioritized for countries whose governments
4 restrict freedom of expression on the Internet, and that
5 are important to the national interests of the United
6 States: *Provided further*, That funds made available pursu-
7 ant to this section shall be matched, to the maximum ex-
8 tent practicable, by sources other than the United States
9 Government, including from the private sector.

10 (b) REQUIREMENTS.—

11 (1) Funds appropriated by this Act under the
12 headings “Economic Support Fund”, “Democracy
13 Fund”, and “Assistance for Europe, Eurasia and
14 Central Asia” that are made available pursuant to
15 subsection (a) shall be—

16 (A) coordinated with other democracy pro-
17 grams funded by this Act under such headings,
18 and shall be incorporated into country assist-
19 ance and democracy promotion strategies, as
20 appropriate;

21 (B) made available to the Bureau of De-
22 mocracy, Human Rights, and Labor, Depart-
23 ment of State, for programs to implement the
24 May 2011, International Strategy for Cyber-
25 space; the Department of State International

1 Cyberspace Policy Strategy required by section
2 402 of the Cybersecurity Act of 2015 (division
3 N of Public Law 114–113); and the comprehen-
4 sive strategy to promote Internet freedom and
5 access to information in Iran, as required by
6 section 414 of the Iran Threat Reduction and
7 Syria Human Rights Act of 2012 (22 U.S.C.
8 8754);

9 (C) made available for programs that sup-
10 port the efforts of civil society to counter the
11 development of repressive Internet-related laws
12 and regulations, including countering threats to
13 Internet freedom at international organizations;
14 to combat violence against bloggers and other
15 users; and to enhance digital security training
16 and capacity building for democracy activists;

17 (D) made available for research of key
18 threats to Internet freedom; the continued de-
19 velopment of technologies that provide or en-
20 hance access to the Internet, including cir-
21 cumvention tools that bypass Internet blocking,
22 filtering, and other censorship techniques used
23 by authoritarian governments; and maintenance
24 of the technological advantage of the United
25 States Government over such censorship tech-

1 niques: *Provided*, That the Secretary of State,
2 in consultation with the Chief Executive Officer
3 (CEO) of the Broadcasting Board of Governors
4 (BBG), shall coordinate any such research and
5 development programs with other relevant
6 United States Government departments and
7 agencies in order to share information, tech-
8 nologies, and best practices, and to assess the
9 effectiveness of such technologies; and

10 (E) coordinated by the Assistant Secretary
11 for Democracy, Human Rights, and Labor, De-
12 partment of State.

13 (2) Funds appropriated by this Act under the
14 heading “International Broadcasting Operations”
15 that are made available pursuant to subsection (a)
16 shall be—

17 (A) made available to the BBG only to
18 provide tools and techniques to access BBG dig-
19 ital content on Web sites that are censored, and
20 to work with such broadcasters to promote and
21 distribute such tools and techniques, including
22 digital security techniques;

23 (B) coordinated with programs funded by
24 this Act under the heading “International
25 Broadcasting Operations”, and shall be incor-

1 porated into country broadcasting strategies, as
2 appropriate;

3 (C) coordinated by the BBG CEO to pro-
4 vide Internet circumvention tools and tech-
5 niques for audiences in countries that are stra-
6 tegic priorities for the BBG and in a manner
7 consistent with the BBG Internet freedom
8 strategy; and

9 (D) made available for the research and
10 development of new tools or techniques author-
11 ized in paragraph (A) only after the BBG CEO,
12 in consultation with the Secretary of State and
13 other relevant United States Government de-
14 partments and agencies, evaluates the risks and
15 benefits of such new tools or techniques, and
16 establishes safeguards to minimize the use of
17 such new tools or techniques for illicit purposes.

18 (c) COORDINATION AND SPEND PLANS.—After con-
19 sultation among the relevant agency heads to coordinate
20 and de-conflict planned activities, but not later than 90
21 days after enactment of this Act, the Secretary of State
22 and the BBG CEO shall submit to the Committees on Ap-
23 propriations spend plans for funds made available by this
24 Act for programs to promote Internet freedom globally,
25 which shall include a description of safeguards established

1 by relevant agencies to ensure that such programs are not
2 used for illicit purposes: *Provided*, That the Department
3 of State spend plan shall include funding for all such pro-
4 grams for all relevant Department of State and USAID
5 offices and bureaus: *Provided further*, That prior to the
6 obligation of such funds, such offices and bureaus shall
7 consult with the Assistant Secretary for Democracy,
8 Human Rights, and Labor, Department of State, to en-
9 sure that such programs support the Department of State
10 Internet freedom strategy.

11 IMPACT ON JOBS IN THE UNITED STATES

12 SEC. 7079. None of the funds appropriated or other-
13 wise made available under titles III through VI of this
14 Act may be obligated or expended to provide—

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

23 (2) assistance for any program, project, or ac-
24 tivity that contributes to the violation of internation-
25 ally recognized workers' rights, as defined in section

1 507(4) of the Trade Act of 1974, of workers in the
2 recipient country, including any designated zone or
3 area in that country: *Provided*, That the application
4 of section 507(4)(D) and (E) of such Act should be
5 commensurate with the level of development of the
6 recipient country and sector, and shall not preclude
7 assistance for the informal sector in such country,
8 micro and small-scale enterprise, and smallholder
9 agriculture;

10 (3) any assistance to an entity outside the
11 United States if such assistance is for the purpose
12 of directly relocating or transferring jobs from the
13 United States to other countries and adversely im-
14 pacts the labor force in the United States; or

15 (4) for the enforcement of any rule, regulation,
16 policy, or guidelines implemented pursuant to—

17 (A) the third proviso of subsection 7079(b)
18 of the Consolidated Appropriations Act, 2010;

19 (B) the modification proposed by the Over-
20 seas Private Investment Corporation in Novem-
21 ber 2013 to the Corporation's Environmental
22 and Social Policy Statement relating to coal; or

23 (C) the Supplemental Guidelines for High
24 Carbon Intensity Projects approved by the Ex-

1 port-Import Bank of the United States on De-
2 cember 12, 2013,
3 when enforcement of such rule, regulation, policy, or
4 guidelines would prohibit, or have the effect of pro-
5 hibiting, any coal-fired or other power-generation
6 project the purpose of which is to: (i) provide afford-
7 able electricity in International Development Asso-
8 ciation (IDA)-eligible countries and IDA-blend coun-
9 tries; and (ii) increase exports of goods and services
10 from the United States or prevent the loss of jobs
11 from the United States.

12 DISABILITY PROGRAMS

13 SEC. 7080. (a) ASSISTANCE.—Funds appropriated by
14 this Act under the heading “Economic Support Fund”
15 shall be made available for programs and activities admin-
16 istered by the United States Agency for International De-
17 velopment to address the needs and protect and promote
18 the rights of people with disabilities in developing coun-
19 tries, including initiatives that focus on independent living,
20 economic self-sufficiency, advocacy, education, employ-
21 ment, transportation, sports, and integration of individ-
22 uals with disabilities, including for the cost of translation.

23 (b) MANAGEMENT, OVERSIGHT, AND TECHNICAL
24 SUPPORT.—Of the funds made available pursuant to this

1 section, 5 percent may be used for USAID for manage-
2 ment, oversight, and technical support.

3 COUNTRY TRANSITION PLAN

4 SEC. 7081. Any bilateral country assistance strategy
5 developed after the date of enactment of this Act for the
6 provision of assistance for a foreign country in this fiscal
7 year and each fiscal year hereafter shall include a transi-
8 tion plan identifying end goals and options for winding
9 down, within a targeted period of years, such bilateral as-
10 sistance: *Provided*, That such transition plan shall be de-
11 veloped by the Secretary of State, in consultation with the
12 Administrator of the United States Agency for Inter-
13 national Development, the heads of other relevant Federal
14 agencies, and officials of such foreign government and rep-
15 resentatives of civil society, as appropriate.

16 CONSULAR AND BORDER SECURITY PROGRAMS

17 SEC. 7082. (a) SEPARATE FUND.—There is estab-
18 lished in the Treasury a separate fund to be known as
19 the “Consular and Border Security Programs” account
20 into which the following fees shall be deposited for the pur-
21 poses of the consular and border security programs.

22 (b) MACHINE-READABLE VISA FEE.—Section 103(d)
23 of Public Law 107–173 (8 U.S.C. 1713) is amended by
24 striking “credited as an offsetting collection to any appro-
25 priation for the Department of State” and inserting “de-

1 posited in the Consular and Border Security Programs ac-
2 count”.

3 (c) PASSPORT AND IMMIGRANT VISA SECURITY SUR-
4 CHARGES.—

5 (1) The fourth paragraph under the heading
6 “Diplomatic and Consular Programs” in title IV of
7 division B of Public Law 108–447 (8 U.S.C. 1714)
8 is amended—

9 (A) by inserting “and the consular protec-
10 tion of U.S. citizens and their interests over-
11 seas” after “in support of enhanced border se-
12 curity”; and

13 (B) by striking “credited to this account”
14 and inserting “deposited in the Consular and
15 Border Security Programs account”.

16 (2) Section 6 of Public Law 109–472 (8 U.S.C.
17 1714 note) is amended by inserting “and the con-
18 sular protection of U.S. citizens and their interests
19 overseas” after “in support of enhanced border secu-
20 rity” each place it appears.

21 (d) DIVERSITY IMMIGRANT LOTTERY FEE.—Section
22 636 of title VI, division C of Public Law 104–208 (8
23 U.S.C. 1153 note) is amended by striking “as an offset-
24 ting collection to any Department of State appropriation”

1 and inserting “in the Consular and Border Security Pro-
2 grams account”.

3 (e) AFFIDAVIT OF SUPPORT FEE.—Section 232(c) of
4 title II of division A of H.R. 3427 (106th Congress) (in-
5 corporated by reference by section 1000(a)(7) of division
6 B of Public Law 106–113, as amended (8 U.S.C. 1183a
7 note), is further amended by striking “as an offsetting col-
8 lection to any Department of State appropriation” and in-
9 serting “in the Consular and Border Security Programs
10 account”.

11 (f) WESTERN HEMISPHERE TRAVEL INITIATIVE
12 SURCHARGE.—Subsection (b)(1) of section 1 of the Pass-
13 port Act of June 4, 1920 (22 U.S.C. 214(b)(1)) is amend-
14 ed by striking “as an offsetting collection to the appro-
15 priate Department of State appropriation” and inserting
16 “in the Consular and Border Security Programs account”.

17 (g) EXPEDITED PASSPORT FEE.—The first proviso
18 under the heading “Diplomatic and Consular Programs”
19 in title V of Public Law 103–317 (22 U.S.C. 214 note)
20 is amended by inserting “or in the Consular and Border
21 Security Programs account” after “offsetting collection”.

22 (h) TRANSFER OF FUNDS.—

23 (1) The unobligated balances of amounts avail-
24 able from fees referenced under this section may be

1 transferred to the Consular and Border Security
2 Programs account.

3 (2) Funds deposited in or transferred to the
4 Consular and Border Security Programs account
5 may be transferred between funds appropriated
6 under the heading “Administration of Foreign Af-
7 fairs”.

8 (3) The transfer authorities in this section shall
9 be in addition to any other transfer authority avail-
10 able to the Department of State.

11 (i) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect no later than October 1,
13 2017, and shall be implemented in a manner that ensures
14 the fees collected, transferred, and used in fiscal year 2017
15 can be readily tracked.

16 BORDER CROSSING CARD FEE FOR MINORS

17 SEC. 7083. Section 410(a)(1)(A) of the Department
18 of State and Related Agencies Appropriations Act, 1999
19 (Public Law 105–277) is amended by striking “a fee of
20 \$13” and inserting “a fee equal to one half the fee that
21 would otherwise apply for processing a machine readable
22 combined border crossing identification card and non-im-
23 migrant visa”.

1 INTERNATIONAL FAMILY PLANNING AND REPRODUCTIVE
2 HEALTH

3 SEC. 7084. (a) UNITED NATIONS POPULATION
4 FUND.—

5 (1) CONTRIBUTION.—Of the funds made avail-
6 able under the heading “International Organizations
7 and Programs” in this Act for fiscal year 2017,
8 \$37,500,000 shall be made available for the United
9 Nations Population Fund (referred to in this section
10 as “UNFPA”).

11 (2) AVAILABILITY OF FUNDS.—Funds appro-
12 priated under this Act for UNFPA that are not
13 made available for UNFPA because of the operation
14 of any provision of law shall be transferred to the
15 “Global Health Programs” account and shall be
16 made available for family planning, maternal, and
17 reproductive health activities, subject to the regular
18 notification procedures of the Committees on Appro-
19 priations.

20 (3) PROHIBITION ON USE OF FUNDS IN
21 CHINA.—None of the funds made available under
22 this Act may be used by UNFPA for a country pro-
23 gram in the People’s Republic of China.

1 (4) CONDITIONS ON AVAILABILITY OF
2 FUNDS.—Funds made available under this Act for
3 UNFPA may not be made available unless—

4 (A) UNFPA maintains such funds in an
5 account that is separate from other UNFPA ac-
6 counts and does not commingle such funds with
7 other funds; and

8 (B) UNFPA does not fund abortions.

9 (b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL
10 ORGANIZATIONS.—The Foreign Assistance Act of 1961
11 (22 U.S.C. 2151 et seq.) is amended by inserting after
12 section 104C the following:

13 **“SEC. 104D. ELIGIBILITY FOR ASSISTANCE.**

14 “Notwithstanding any other provision of law, regula-
15 tion, or policy, in determining eligibility for assistance
16 under sections 104, 104A, 104B, and 104C, a foreign non-
17 governmental organization—

18 “(1) shall not be ineligible for such assistance
19 solely on the basis of health or medical services, in-
20 cluding counseling and referral services, provided by
21 such organization with non-United States Govern-
22 ment funds if such services—

23 “(A) are permitted in the country in which
24 they are being provided; and

1 “(B) would not violate United States law if
2 provided in the United States; and

3 “(2) shall not be subject to requirements relat-
4 ing to the use of non-United States Government
5 funds for advocacy and lobbying activities other than
6 those that apply to United States nongovernmental
7 organizations receiving assistance under this part.”.

1 TITLE VIII
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF STATE
4 ADMINISTRATION OF FOREIGN AFFAIRS
5 DIPLOMATIC AND CONSULAR PROGRAMS
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Diplomatic and Con-
8 sular Programs”, \$2,654,798,000, to remain available
9 until September 30, 2018, of which \$2,109,934,000 is for
10 Worldwide Security Protection and shall remain available
11 until expended: *Provided*, That the Secretary of State may
12 transfer up to \$5,000,000 of the total funds made avail-
13 able under this heading to any other appropriation of any
14 department or agency of the United States, upon the con-
15 currence of the head of such department or agency, to sup-
16 port operations in and assistance for Afghanistan and to
17 carry out the provisions of the Foreign Assistance Act of
18 1961: *Provided further*, That any such transfer shall be
19 treated as a reprogramming of funds under subsections
20 (a) and (b) of section 7015 of this Act and shall not be
21 available for obligation or expenditure except in compli-
22 ance with the procedures set forth in that section: *Pro-*
23 *vided further*, That such amount is designated by the Con-
24 gress for Overseas Contingency Operations/Global War on

1 Terrorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 OFFICE OF INSPECTOR GENERAL

4 For an additional amount for “Office of Inspector
5 General”, \$54,900,000, to remain available until Sep-
6 tember 30, 2018, for the Special Inspector General for Af-
7 ghanistan Reconstruction (SIGAR) for reconstruction
8 oversight: *Provided*, That printing and reproduction costs
9 shall not exceed amounts for such costs during fiscal year
10 2016: *Provided further*, That notwithstanding any other
11 provision of law, any employee of SIGAR who completes
12 at least 12 months of continuous service after the date
13 of enactment of this Act or who is employed on the date
14 on which SIGAR terminates, whichever occurs first, shall
15 acquire competitive status for appointment to any position
16 in the competitive service for which the employee possesses
17 the required qualifications: *Provided further*, That such
18 amount is designated by the Congress for Overseas Con-
19 tingency Operations/Global War on Terrorism pursuant to
20 section 251(b)(2)(A)(ii) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

23 For an additional amount for “Embassy Security,
24 Construction, and Maintenance”, \$1,238,800,000, to re-
25 main available until expended, of which \$1,228,000,000

1 shall be for Worldwide Security Upgrades, acquisition, and
2 construction as authorized: *Provided*, That such amount
3 is designated by the Congress for Overseas Contingency
4 Operations/Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 INTERNATIONAL ORGANIZATIONS

8 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

9 For an additional amount for “Contributions to
10 International Organizations”, \$96,240,000: *Provided*,
11 That such amount is designated by the Congress for Over-
12 seas Contingency Operations/Global War on Terrorism
13 pursuant to section 251(b)(2)(A)(ii) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985.

15 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

16 ACTIVITIES

17 For an additional amount for “Contributions for
18 International Peacekeeping Activities”, \$1,588,000,000,
19 to remain available until September 30, 2018: *Provided*,
20 That such amount is designated by the Congress for Over-
21 seas Contingency Operations/Global War on Terrorism
22 pursuant to section 251(b)(2)(A)(ii) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985.

1 UNITED STATES AGENCY FOR INTERNATIONAL
2 DEVELOPMENT

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 OPERATING EXPENSES

5 For an additional amount for “Operating Expenses”,
6 \$152,875,000, to remain available until September 30,
7 2018: *Provided*, That such amount is designated by the
8 Congress for Overseas Contingency Operations/Global
9 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985.

12 CAPITAL INVESTMENT FUND

13 For an additional amount for “Capital Investment
14 Fund”, \$133,840,000, to remain available until expended:
15 *Provided*, That such amount is designated by the Congress
16 for Overseas Contingency Operations/Global War on Ter-
17 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 BILATERAL ECONOMIC ASSISTANCE

20 FUNDS APPROPRIATED TO THE PRESIDENT

21 INTERNATIONAL DISASTER ASSISTANCE

22 For an additional amount for “International Disaster
23 Assistance”, \$1,919,421,000, to remain available until ex-
24 pended: *Provided*, That such amount is designated by the
25 Congress for Overseas Contingency Operations/Global

1 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
2 the Balanced Budget and Emergency Deficit Control Act
3 of 1985.

4 TRANSITION INITIATIVES

5 For an additional amount for “Transition Initia-
6 tives”, \$37,000,000, to remain available until expended:
7 *Provided*, That such amount is designated by the Congress
8 for Overseas Contingency Operations/Global War on Ter-
9 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 COMPLEX CRISES FUND

12 For an additional amount for “Complex Crises
13 Fund”, \$20,000,000, to remain available until expended:
14 *Provided*, That such amount is designated by the Congress
15 for Overseas Contingency Operations/Global War on Ter-
16 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 ECONOMIC SUPPORT FUND

19 For an additional amount for “Economic Support
20 Fund”, \$2,735,008,000, to remain available until Sep-
21 tember 30, 2018: *Provided*, That such amount is des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism pursuant to section
24 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

2 For an additional amount for “Assistance for Eu-
3 rope, Eurasia and Central Asia”, \$404,606,000, to remain
4 available until September 30, 2018: *Provided*, That such
5 amount is designated by the Congress for Overseas Con-
6 tingency Operations/Global War on Terrorism pursuant to
7 section 251(b)(2)(A)(ii) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 DEPARTMENT OF STATE

10 MIGRATION AND REFUGEE ASSISTANCE

11 For an additional amount for “Migration and Ref-
12 ugee Assistance” to respond to refugee crises, including
13 in Africa, the Near East, South and Central Asia, and
14 Europe and Eurasia, \$2,127,114,000, to remain available
15 until expended, except that such funds shall not be made
16 available for the resettlement costs of refugees in the
17 United States: *Provided*, That such amount is designated
18 by the Congress for Overseas Contingency Operations/
19 Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 UNITED STATES EMERGENCY REFUGEE AND MIGRATION

23 ASSISTANCE FUND

24 For an additional amount for “United States Emer-
25 gency Refugee and Migration Assistance Fund”,

1 \$40,000,000, to remain available until expended: *Pro-*
2 *vided*, That such amount is designated by the Congress
3 for Overseas Contingency Operations/Global War on Ter-
4 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 INTERNATIONAL SECURITY ASSISTANCE

7 DEPARTMENT OF STATE

8 INTERNATIONAL NARCOTICS CONTROL AND LAW

9 ENFORCEMENT

10 For an additional amount for “International Nar-
11 cotics Control and Law Enforcement”, \$304,650,000, to
12 remain available until September 30, 2018: *Provided*,
13 That such amount is designated by the Congress for Over-
14 seas Contingency Operations/Global War on Terrorism
15 pursuant to section 251(b)(2)(A)(ii) of the Balanced
16 Budget and Emergency Deficit Control Act of 1985.

17 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND

18 RELATED PROGRAMS

19 For an additional amount for “Nonproliferation,
20 Anti-terrorism, Demining and Related Programs”,
21 \$214,254,000, to remain available until September 30,
22 2018: *Provided*, That such amount is designated by the
23 Congress for Overseas Contingency Operations/Global
24 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 PEACEKEEPING OPERATIONS

4 For an additional amount for “Peacekeeping Oper-
5 ations”, \$293,941,000, to remain available until Sep-
6 tember 30, 2018: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 FUNDS APPROPRIATED TO THE PRESIDENT

12 FOREIGN MILITARY FINANCING PROGRAM

13 For an additional amount for “Foreign Military Fi-
14 nancing Program”, \$1,044,553,000, to remain available
15 until September 30, 2018: *Provided*, That such amount
16 is designated by the Congress for Overseas Contingency
17 Operations/Global War on Terrorism pursuant to section
18 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 GENERAL PROVISIONS

21 ADDITIONAL APPROPRIATIONS

22 SEC. 8001. Notwithstanding any other provision of
23 law, funds appropriated in this title and designated for
24 Overseas Contingency Operations/Global War on Ter-
25 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985
2 are in addition to amounts appropriated or otherwise
3 made available in this Act for fiscal year 2017.

4 EXTENSION OF AUTHORITIES AND CONDITIONS

5 SEC. 8002. Unless otherwise provided for in this Act,
6 the additional amounts appropriated by this title, and des-
7 ignated for Overseas Contingency Operations/Global War
8 on Terrorism pursuant to section 251(b)(2)(A)(ii) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985, to appropriations accounts in this Act shall be avail-
11 able under the authorities and conditions applicable to
12 such appropriations accounts.

13 TRANSFER OF FUNDS

14 SEC. 8003. (a)(1) Funds appropriated by this title
15 in this Act under the headings “Transition Initiatives”,
16 “Complex Crises Fund”, “Economic Support Fund”, and
17 “Assistance for Europe, Eurasia and Central Asia” may
18 be transferred to, and merged with, funds appropriated
19 by this title under such headings.

20 (2) Funds appropriated by this title in this Act under
21 the headings “International Narcotics Control and Law
22 Enforcement”, “Nonproliferation, Anti-terrorism,
23 Demining and Related Programs”, “Peacekeeping Oper-
24 ations”, and “Foreign Military Financing Program” may

1 be transferred to, and merged with, funds appropriated
2 by this title under such headings.

3 (3) Of the funds appropriated by this title in this Act
4 under the heading “Economic Support Fund”, up to
5 \$400,000,000 may transferred to, and merged with, funds
6 appropriated by this title under the heading “Inter-
7 national Disaster Assistance”.

8 (b) Notwithstanding any other provision of this sec-
9 tion, not to exceed \$25,000,000 from funds appropriated
10 under the headings “International Narcotics Control and
11 Law Enforcement”, “Peacekeeping Operations”, and
12 “Foreign Military Financing Program” by this title in this
13 Act may be transferred to, and merged with, funds pre-
14 viously made available under the heading “Global Security
15 Contingency Fund”.

16 (c) The transfer authority provided in subsection (a)
17 may only be exercised to address contingencies.

18 (d) The transfer authority provided in subsections (a)
19 and (b) shall be subject to prior consultation with, and
20 the regular notification procedures of, the Committees on
21 Appropriations: *Provided*, That such transfer authority is
22 in addition to any transfer authority otherwise available
23 under any other provision of law, including section 610
24 of the Foreign Assistance Act of 1961 which may be exer-

1 cised by the Secretary of State for the purposes of this
2 title.

3 DESIGNATION REQUIREMENT

4 SEC. 8004. Each amount designated in this Act by
5 the Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
7 the Balanced Budget and Emergency Deficit Control Act
8 of 1985 shall be available only if the President subse-
9 quently so designates all such amounts and transmits such
10 designations to the Congress.

11 RESCISSION OF FUNDS

12 SEC. 8005. Of the funds appropriated in prior Acts
13 making appropriations for the Department of State, for-
14 eign operations, and related programs under the heading
15 “Bilateral Economic Assistance, Funds Appropriated to
16 the President, Economic Support Fund”, \$165,000,000
17 are rescinded: *Provided*, That such amounts are des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

1 **TITLE IX—MATTERS RELATING**
2 **TO ISRAEL**

3 **SEC. 9001. SHORT TITLE.**

4 This title may be cited as the “Combating BDS Act
5 of 2016”.

6 **SEC. 9002. AUTHORITY OF STATE AND LOCAL GOVERN-**
7 **MENTS TO DIVEST FROM ENTITIES THAT EN-**
8 **GAGE IN CERTAIN BOYCOTT, DIVESTMENT,**
9 **OR SANCTIONS ACTIVITIES TARGETING**
10 **ISRAEL.**

11 (a) **AUTHORITY TO DIVEST.**—Notwithstanding any
12 other provision of law, a State or local government may
13 adopt and enforce measures that meet the requirements
14 of subsection (b) to divest the assets of the State or local
15 government from, or prohibit investment of the assets of
16 the State or local government in—

17 (1) an entity that the State or local government
18 determines, using credible information available to
19 the public, knowingly engages in a commerce-related
20 or investment-related boycott, divestment, or sanc-
21 tions activity targeting Israel;

22 (2) a successor entity or subunit of an entity
23 described in paragraph (1); or

1 (3) an entity that owns or controls, is owned or
2 controlled by, or is under common ownership or con-
3 trol with, an entity described in paragraph (1).

4 (b) REQUIREMENTS.—A State or local government
5 that seeks to adopt or enforce a measure under subsection
6 (a) shall meet the following requirements:

7 (1) NOTICE.—The State or local government
8 shall provide written notice to each entity to which
9 a measure under subsection (a) is to be applied.

10 (2) TIMING.—The measure shall apply to an
11 entity not earlier than the date that is 90 days after
12 the date on which written notice is provided to the
13 entity under paragraph (1).

14 (3) OPPORTUNITY FOR HEARING.—The State
15 or local government shall provide an opportunity to
16 comment in writing to each entity to which a meas-
17 ure is to be applied. If the entity demonstrates to
18 the State or local government that the entity has not
19 engaged in a commerce-related or investment-related
20 boycott, divestment, or sanctions activity targeting
21 Israel, the measure shall not apply to the entity.

22 (4) SENSE OF CONGRESS ON AVOIDING ERRO-
23 NEOUS TARGETING.—It is the sense of Congress
24 that a State or local government should not adopt
25 a measure under subsection (a) with respect to an

1 entity unless the State or local government has
2 made every effort to avoid erroneously targeting the
3 entity and has verified that the entity engages in a
4 commerce-related or investment-related boycott, di-
5 vestment, or sanctions activity targeting Israel.

6 (c) NOTICE TO DEPARTMENT OF JUSTICE.—Not
7 later than 30 days after adopting a measure pursuant to
8 subsection (a), a State or local government shall submit
9 written notice to the Attorney General describing the
10 measure.

11 (d) NONPREEMPTION.—A measure of a State or local
12 government authorized under subsection (a) is not pre-
13 empted by any Federal law.

14 (e) EFFECTIVE DATE.—This section applies to any
15 measure adopted by a State or local government before,
16 on, or after the date of the enactment of this Act.

17 (f) RULE OF CONSTRUCTION.—

18 (1) AUTHORITY OF STATES.—Nothing in this
19 section shall be construed to abridge the authority of
20 a State to issue and enforce rules governing the
21 safety, soundness, and solvency of a financial insti-
22 tution subject to its jurisdiction or the business of
23 insurance pursuant to the Act of March 9, 1945 (59
24 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (com-
25 monly known as the “McCarran-Ferguson Act”).

1 (2) POLICY OF THE UNITED STATES.—Nothing
2 in this section shall be construed to alter the estab-
3 lished policy of the United States concerning final
4 status issues associated with the Arab-Israeli con-
5 flict, including border delineation, that can only be
6 resolved through direct negotiations between the
7 parties.

8 (g) DEFINITIONS.—In this section:

9 (1) ASSETS.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), the term “assets” means
12 any pension, retirement, annuity, or endowment
13 fund, or similar instrument, that is controlled
14 by a State or local government.

15 (B) EXCEPTION.—The term “assets” does
16 not include employee benefit plans covered by
17 title I of the Employee Retirement Income Se-
18 curity Act of 1974 (29 U.S.C. 1001 et seq.).

19 (2) BOYCOTT, DIVESTMENT, OR SANCTIONS AC-
20 TIVITY TARGETING ISRAEL.—The term “boycott, di-
21 vestment, or sanctions activity targeting Israel”
22 means any activity that is intended to penalize, in-
23 flict economic harm on, or otherwise limit commer-
24 cial relations with Israel or persons doing business
25 in Israel or in Israeli-controlled territories for pur-

1 poses of coercing political action by, or imposing poli-
2 icy positions on, the Government of Israel.

3 (3) ENTITY.—The term “entity” includes—

4 (A) any corporation, company, business as-
5 sociation, partnership, or trust; and

6 (B) any governmental entity or instrumen-
7 tality of a government, including a multilateral
8 development institution (as defined in section
9 1701(c)(3) of the International Financial Insti-
10 tutions Act (22 U.S.C. 262r(c)(3))).

11 (4) INVESTMENT.—The term “investment” in-
12 cludes—

13 (A) a commitment or contribution of funds
14 or property;

15 (B) a loan or other extension of credit; and

16 (C) the entry into or renewal of a contract
17 for goods or services.

18 (5) STATE.—The term “State” means each of
19 the several States, the District of Columbia, the
20 Commonwealth of Puerto Rico, the Commonwealth
21 of the Northern Mariana Islands, American Samoa,
22 Guam, the United States Virgin Islands, and any
23 other territory or possession of the United States.

24 (6) STATE OR LOCAL GOVERNMENT.—The term
25 “State or local government” includes—

1 (A) any State and any agency or instru-
2 mentality thereof;

3 (B) any local government within a State
4 and any agency or instrumentality thereof; and

5 (C) any other governmental instrumen-
6 tality of a State or locality.

7 **SEC. 9003. SAFE HARBOR FOR CHANGES OF INVESTMENT**
8 **POLICIES BY ASSET MANAGERS.**

9 Section 13(c)(1) of the Investment Company Act of
10 1940 (15 U.S.C. 80a-13(c)(1)) is amended—

11 (1) in subparagraph (A), by striking “; or” and
12 inserting a semicolon;

13 (2) in subparagraph (B), by striking the period
14 at the end and inserting “; or”; and

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

16 “(C) engage in any boycott, divestment, or
17 sanctions activity targeting Israel described in
18 section 9002 of the Combating BDS Act of
19 2016.”.

20 This Act may be cited as the “Department of State,
21 Foreign Operations, and Related Programs Appropria-
22 tions Act, 2017”.

Calendar No. 541

114TH CONGRESS
2^D SESSION

S. 3117

[Report No. 114-290]

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2017, and for other purposes.

JUNE 29, 2016

Read twice and placed on the calendar