

116TH CONGRESS  
1ST SESSION

# S. 1819

To make permanent certain Department of State, foreign operations, and related programs general provisions.

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IN THE SENATE OF THE UNITED STATES

JUNE 12, 2019

Mr. GRAHAM (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To make permanent certain Department of State, foreign operations, and related programs general provisions.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of State,  
5 Foreign Operations, and Related Programs Permanent  
6 General Provisions Act of 2019”.

7 **SEC. 2. PERMANENT EFFECT.**

8 The provisions of this Act apply with respect to fiscal  
9 year 2021 and each subsequent fiscal year thereafter.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—The term “appropriate congressional com-  
5 mittees” means the Committees on Appropriations  
6 and Foreign Relations of the Senate and the Com-  
7 mittees on Appropriations and Foreign Affairs of  
8 the House of Representatives.

9 (2) INTERNATIONAL FINANCIAL INSTITU-  
10 TIONS.—The term “international financial institu-  
11 tions” means the International Bank for Recon-  
12 struction and Development, the International Devel-  
13 opment Association, the International Finance Cor-  
14 poration, the Inter-American Development Bank, the  
15 International Monetary Fund, the Asian Develop-  
16 ment Bank, the Asian Development Fund, the Inter-  
17 American Investment Corporation, the North Amer-  
18 ican Development Bank, the European Bank for Re-  
19 construction and Development, the African Develop-  
20 ment Bank, the African Development Fund, and the  
21 Multilateral Investment Guarantee Agency.

22 (3) REGULAR NOTIFICATION PROCEDURES.—  
23 The term “regular notification procedures” means  
24 that at least 15 days prior to obligating funds ap-  
25 propriated or otherwise made available pursuant to  
26 an Act making appropriations for the Department of

1 State, foreign operations, and related programs, the  
2 Secretary of State or the Administrator of the  
3 United States Agency for International Develop-  
4 ment, as appropriate, shall submit a notification to  
5 the Committees on Appropriations, which shall in-  
6 clude a detailed description of how such funds pro-  
7 posed to be made available will be used.

8 **SEC. 4. CONSULTING SERVICES.**

9 The expenditure of any funds appropriated or other-  
10 wise made available pursuant to an Act making appropria-  
11 tions for the Department of State, foreign operations, and  
12 related programs for any consulting service through pro-  
13 curement contract, pursuant to section 3109 of title 5,  
14 United States Code, shall be limited to those contracts  
15 where such expenditures are a matter of public record and  
16 available for public inspection, except where otherwise pro-  
17 vided under existing law, or under existing Executive order  
18 issued pursuant to existing law.

19 **SEC. 5. COUP D'ETAT.**

20 None of the funds appropriated or otherwise made  
21 available pursuant to an Act making appropriations for  
22 the Department of State, foreign operations, and related  
23 programs for bilateral assistance, international security  
24 assistance, multilateral assistance, or export and invest-  
25 ment assistance shall be obligated or expended to finance

1 directly any assistance to the government of any country  
 2 whose duly elected head of government is deposed by mili-  
 3 tary coup d'etat or decree or, after the date of enactment  
 4 of this Act, a coup d'etat or decree in which the military  
 5 plays a decisive role: *Provided*, That assistance may be re-  
 6 sumed to such government if the Secretary of State cer-  
 7 tifies and reports to the appropriate congressional commit-  
 8 tees that subsequent to the termination of assistance a  
 9 democratically elected government has taken office: *Pro-*  
 10 *vided further*, That the provisions of this section shall not  
 11 apply to assistance to promote democratic elections or  
 12 public participation in democratic processes: *Provided fur-*  
 13 *ther*, That funds made available pursuant to the previous  
 14 provisos shall be subject to the regular notification proce-  
 15 dures of the Committees on Appropriations.

16 **SEC. 6. LIMITATION ON ASSISTANCE TO COUNTRIES IN DE-**  
 17 **FAULT.**

18 No part of any appropriation provided pursuant to  
 19 an Act making appropriations for the Department of  
 20 State, foreign operations, and related programs for bilat-  
 21 eral assistance, international security assistance, multilat-  
 22 eral assistance, or export and investment assistance shall  
 23 be used to furnish assistance to the government of any  
 24 country which is in default during a period in excess of  
 25 1 calendar year in payment to the United States of prin-

1 cipal or interest on any loan made to the government of  
2 such country by the United States pursuant to a program  
3 for which funds are appropriated under such Act unless  
4 the President determines, following consultation with the  
5 Committees on Appropriations, that assistance for such  
6 country is in the national interest of the United States.

7 **SEC. 7. NOTIFICATION ON EXCESS DEFENSE EQUIPMENT.**

8       Prior to providing excess Department of Defense arti-  
9 cles in accordance with section 516(a) of the Foreign As-  
10 sistance Act of 1961, the Department of Defense shall no-  
11 tify the Committees on Appropriations to the same extent  
12 and under the same conditions as other committees pursu-  
13 ant to subsection (f) of that section: *Provided*, That before  
14 issuing a letter of offer to sell excess defense articles under  
15 the Arms Export Control Act, the Department of Defense  
16 shall notify the Committees on Appropriations in accord-  
17 ance with the regular notification procedures of such Com-  
18 mittees if such defense articles are significant military  
19 equipment (as defined in section 47(9) of the Arms Export  
20 Control Act) or are valued (in terms of original acquisition  
21 cost) at \$7,000,000 or more, or if notification is required  
22 by any other Act for the use of appropriated funds for  
23 specific countries that would receive such excess defense  
24 articles: *Provided further*, That such Committees shall also

1 be informed of the original acquisition cost of such defense  
2 articles.

3 **SEC. 8. REPRESENTATION AND ENTERTAINMENT EX-**  
4 **PENSES.**

5 (a) USE OF FUNDS.—Each Federal department,  
6 agency, or entity funded in titles I or II of an Act making  
7 appropriations for the Department of State, foreign oper-  
8 ations, and related programs, and the Department of the  
9 Treasury and independent agencies funded in titles III or  
10 VI of such an Act, shall take steps to ensure that domestic  
11 and overseas representation and entertainment expenses  
12 further official agency business and United States foreign  
13 policy interests, and—

14 (1) are primarily for fostering relations outside  
15 of the Executive Branch;

16 (2) are principally for meals and events of a  
17 protocol nature;

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

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

21 (b) LIMITATIONS.—None of the funds appropriated  
22 or otherwise made available by an Act making appropria-  
23 tions for the Department of State, foreign operations, and  
24 related programs under the headings “International Mili-  
25 tary Education and Training” or “Foreign Military Fi-

1 nancing Program” for Informational Program activities or  
 2 under the headings “Global Health Programs”, “Develop-  
 3 ment Assistance”, “Economic Support Fund”, and “As-  
 4 sistance for Europe, Eurasia and Central Asia” may be  
 5 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 entrance fees at sporting events, theatrical and  
 10 musical productions, and amusement parks.

11 **SEC. 9. PROHIBITION ON ASSISTANCE TO GOVERNMENTS**

12 **SUPPORTING INTERNATIONAL TERRORISM.**

13 (a) **LETHAL MILITARY EQUIPMENT EXPORTS.—**

14 (1) **PROHIBITION.**—None of the funds appro-  
 15 priated or otherwise made available pursuant to an  
 16 Act making appropriations for the Department of  
 17 State, foreign operations, and related programs for  
 18 bilateral assistance, international security assistance,  
 19 multilateral assistance, or export and investment as-  
 20 sistance may be made available to any foreign gov-  
 21 ernment which provides lethal military equipment to  
 22 a country the government of which the Secretary of  
 23 State has determined supports international ter-  
 24 rorism for purposes of section 6(j) of the Export Ad-  
 25 ministration Act of 1979 as continued in effect pur-

1       suant to the International Emergency Economic  
2       Powers Act: *Provided*, That the prohibition under  
3       this section with respect to a foreign government  
4       shall terminate 12 months after that government  
5       ceases to provide such military equipment: *Provided*  
6       *further*, That this section applies with respect to le-  
7       thal military equipment provided under a contract  
8       entered into after October 1, 1997.

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

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

23       (b) BILATERAL ASSISTANCE.—

24              (1) LIMITATIONS.—Funds appropriated for bi-  
25       lateral assistance pursuant to an Act making appro-



1        appropriations for the Department of State, foreign oper-  
2        ations, and related programs for bilateral assistance,  
3        international security assistance, multilateral assist-  
4        ance, or export and investment assistance and funds  
5        appropriated for such purposes in prior Acts making  
6        appropriations for the Department of State, foreign  
7        operations, and related programs, shall not be made  
8        available to any foreign government which the Presi-  
9        dent determines—

10                (A) grants sanctuary from prosecution to  
11                any individual or group which has committed  
12                an act of international terrorism;

13                (B) otherwise supports international ter-  
14                rorism; or

15                (C) is controlled by an organization des-  
16                ignated as a terrorist organization under sec-  
17                tion 219 of the Immigration and Nationality  
18                Act (8 U.S.C. 1189).

19        (2) WAIVER.—The President may waive the ap-  
20        plication of paragraph (1) to a government if the  
21        President determines that national security or hu-  
22        manitarian reasons justify such waiver: *Provided*,  
23        That the President shall publish each such waiver in  
24        the Federal Register and, at least 15 days before the  
25        waiver takes effect, shall notify the Committees on

1 Appropriations of the waiver (including the justifica-  
2 tion for the waiver) in accordance with the regular  
3 notification procedures of the Committees on Appro-  
4 priations.

5 **SEC. 10. AUTHORITIES FOR THE PEACE CORPS, INTER-**  
6 **AMERICAN FOUNDATION, AND UNITED**  
7 **STATES AFRICAN DEVELOPMENT FOUNDA-**  
8 **TION.**

9 Unless expressly provided to the contrary, provisions  
10 of this or any other Act, including provisions contained  
11 in prior or subsequent Acts authorizing or making appro-  
12 priations for the Department of State, foreign operations,  
13 and related programs, shall not be construed to prohibit  
14 activities authorized by or conducted under the Peace  
15 Corps Act, the Inter-American Foundation Act, or the Af-  
16 rican Development Foundation Act: *Provided*, That prior  
17 to conducting activities in a country for which assistance  
18 is prohibited, the agency shall consult with the Commit-  
19 tees on Appropriations and report to such Committees  
20 within 15 days of taking such action.

21 **SEC. 11. COMMERCE, TRADE AND SURPLUS COMMODITIES.**

22 (a) WORLD MARKETS.—None of the funds appro-  
23 priated or otherwise made available pursuant to an Act  
24 making appropriations for the Department of State, for-  
25 eign operations, and related programs for bilateral assist-

1   ance, international security assistance, multilateral assist-  
2   ance, or export and investment assistance for direct assist-  
3   ance and none of the funds otherwise made available to  
4   the Export-Import Bank and the Overseas Private Invest-  
5   ment Corporation shall be obligated or expended to fi-  
6   nance any loan, any assistance, or any other financial com-  
7   mitments for establishing or expanding production of any  
8   commodity for export by any country other than the  
9   United States, if the commodity is likely to be in surplus  
10  on world markets at the time the resulting productive ca-  
11  pacity is expected to become operative and if the assist-  
12  ance will cause substantial injury to United States pro-  
13  ducers of the same, similar, or competing commodity: *Pro-*  
14  *vided*, That such prohibition shall not apply to the Export-  
15  Import Bank if in the judgment of its Board of Directors  
16  the benefits to industry and employment in the United  
17  States are likely to outweigh the injury to United States  
18  producers of the same, similar, or competing commodity,  
19  and the Chairman of the Board so notifies the Committees  
20  on Appropriations: *Provided further*, That this subsection  
21  shall not prohibit—

22           (1) activities in a country that is eligible for as-  
23           sistance from the International Development Asso-  
24           ciation, is not eligible for assistance from the Inter-  
25           national Bank for Reconstruction and Development,

1 and does not export on a consistent basis the agri-  
2 cultural commodity with respect to which assistance  
3 is furnished; or

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

7 (b) EXPORTS.—Funds appropriated or otherwise  
8 made available pursuant to an Act making appropriations  
9 for the Department of State, foreign operations, and re-  
10 lated programs that are made available to carry out chap-  
11 ter 1 of part I of the Foreign Assistance Act of 1961 shall  
12 be available for any testing or breeding feasibility study,  
13 variety improvement or introduction, consultancy, publica-  
14 tion, conference, or training in connection with the growth  
15 or production in a foreign country of an agricultural com-  
16 modity for export which would compete with a similar  
17 commodity grown or produced in the United States: *Pro-*  
18 *vided*, That this subsection shall not prohibit—

19 (1) activities designed to increase food security  
20 in developing countries where such activities will not  
21 have a significant impact on the export of agricul-  
22 tural commodities of the United States;

23 (2) research activities intended primarily to  
24 benefit United States producers;

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

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

11          (c) INTERNATIONAL FINANCIAL INSTITUTIONS.—

12       The Secretary of the Treasury shall instruct the United  
 13       States executive director of each international financial in-  
 14       stitution to use the voice and vote of the United States  
 15       to oppose any assistance by such institutions, using funds  
 16       appropriated or made available by this Act, for the produc-  
 17       tion or extraction of any commodity or mineral for export,  
 18       if it is in surplus on world markets and if the assistance  
 19       will cause substantial injury to United States producers  
 20       of the same, similar, or competing commodity.

21       **SEC. 12. SEPARATE ACCOUNTS.**

22          (a) SEPARATE ACCOUNTS FOR LOCAL CUR-  
 23       RENCIES.—

24               (1) AGREEMENTS.—If assistance is furnished to  
 25       the government of a foreign country under chapters

1       1 and 10 of part I or chapter 4 of part II of the  
2       Foreign Assistance Act of 1961 under agreements  
3       which result in the generation of local currencies of  
4       that country, the Administrator of the United States  
5       Agency for International Development (USAID)  
6       shall—

7               (A) require that local currencies be depos-  
8       ited in a separate account established by that  
9       government;

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

12                      (i) the amount of the local currencies  
13       to be generated; and

14                      (ii) the terms and conditions under  
15       which the currencies so deposited may be  
16       utilized, consistent with this section; and

17              (C) establish by agreement with that gov-  
18       ernment the responsibilities of USAID and that  
19       government to monitor and account for deposits  
20       into and disbursements from the separate ac-  
21       count.

22       (2) USES OF LOCAL CURRENCIES.—As may be  
23       agreed upon with the foreign government, local cur-  
24       rencies deposited in a separate account pursuant to

1 subsection (a), or an equivalent amount of local cur-  
2 rencies, shall be used only—

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

7 (i) project and sector assistance activi-  
8 ties; or

9 (ii) debt and deficit financing; or

10 (B) for the administrative requirements of  
11 the United States Government.

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

19 (4) TERMINATION OF ASSISTANCE PRO-  
20 GRAMS.—Upon termination of assistance to a coun-  
21 try under chapter 1 or 10 of part I or chapter 4 of  
22 part II of the Foreign Assistance Act of 1961 (as  
23 the case may be), any unencumbered balances of  
24 funds which remain in a separate account estab-  
25 lished pursuant to subsection (a) shall be disposed of

1 for such purposes as may be agreed to by the gov-  
2 ernment of that country and the United States Gov-  
3 ernment.

4 (5) REPORT.—The USAID Administrator shall  
5 report as part of the congressional budget justifica-  
6 tion submitted to the Committees on Appropriations  
7 on the use of local currencies for the administrative  
8 requirements of the United States Government as  
9 authorized in subsection (a)(2)(B), and such report  
10 shall include the amount of local currency (and  
11 United States dollar equivalent) used or to be used  
12 for such purpose in each applicable country.

13 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

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

22 (2) APPLICABILITY OF OTHER PROVISIONS OF  
23 LAW.—Such funds may be obligated and expended  
24 notwithstanding provisions of law which are incon-  
25 sistent with the nature of this assistance including



1 provisions which are referenced in the Joint Explan-  
2 atory Statement of the Committee of Conference ac-  
3 companying House Joint Resolution 648 (House Re-  
4 port No. 98–1159).

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

16 (4) EXEMPTION.—Nonproject sector assistance  
17 funds may be exempt from the requirements of para-  
18 graph (1) only through the regular notification pro-  
19 cedures of the Committees on Appropriations.

20 **SEC. 13. DEBT-FOR-DEVELOPMENT.**

21 In order to enhance the continued participation of  
22 nongovernmental organizations in debt-for-development  
23 and debt-for-nature exchanges, a nongovernmental organi-  
24 zation which is a grantee or contractor of the United  
25 States Agency for International Development may place

1 in interest bearing accounts local currencies which accrue  
2 to that organization as a result of economic assistance pro-  
3 vided as bilateral assistance pursuant to an Act making  
4 appropriations for the Department of State, foreign oper-  
5 ations, and related programs and, subject to the regular  
6 notification procedures of the Committees on Appropria-  
7 tions, any interest earned on such investment shall be used  
8 for the purpose for which the assistance was provided to  
9 that organization.

10 **SEC. 14. WAR CRIMES TRIBUNALS.**

11 If the President determines that doing so will con-  
12 tribute to a just resolution of charges regarding genocide  
13 or other violations of international humanitarian law, the  
14 President may direct a drawdown pursuant to section  
15 552(c) of the Foreign Assistance Act of 1961 of up to  
16 \$30,000,000 of commodities and services for the United  
17 Nations War Crimes Tribunal established with regard to  
18 the former Yugoslavia by the United Nations Security  
19 Council or such other tribunals or commissions as the  
20 Council may establish or authorize to deal with such viola-  
21 tions, without regard to the ceiling limitation contained  
22 in paragraph (2) thereof: *Provided*, That the determina-  
23 tion required under this section shall be in lieu of any de-  
24 terminations otherwise required under section 552(c) of  
25 such Act: *Provided further*, That funds made available

1 pursuant to this section shall be made available subject  
2 to the regular notification procedures of the Committees  
3 on Appropriations.

4 **SEC. 15. COMMUNITY-BASED POLICE ASSISTANCE.**

5 Funds made available pursuant to an Act making ap-  
6 propriations for the Department of State, foreign oper-  
7 ations, and related programs for bilateral economic assist-  
8 ance and international security assistance to carry out the  
9 provisions of chapters 1 and 10 of part I and chapters  
10 4 and 6 of part II of the Foreign Assistance Act of 1961,  
11 may be used, notwithstanding section 660 of that Act, to  
12 enhance the effectiveness and accountability of civilian po-  
13 lice authority through training and technical assistance in  
14 human rights, the rule of law, anti-corruption, strategic  
15 planning, and through assistance to foster civilian police  
16 roles that support democratic governance, including assist-  
17 ance for programs to prevent conflict, respond to disas-  
18 ters, address gender-based violence, and foster improved  
19 police relations with the communities they serve.

20 **SEC. 16. AIRCRAFT TRANSFER, COORDINATION, AND USE.**

21 (a) **TRANSFER AUTHORITY.**—Notwithstanding any  
22 other provision of law or regulation, aircraft procured with  
23 funds appropriated by an Act making appropriations for  
24 the Department of State, foreign operations, and related  
25 programs under the headings “Diplomatic and Consular

1 Programs”, “International Narcotics Control and Law  
 2 Enforcement”, “Andean Counterdrug Initiative”, and  
 3 “Andean Counterdrug Programs” may be used for any  
 4 other program and in any region.

5 (b) PROPERTY DISPOSAL.—The authority provided  
 6 in subsection (a) shall apply only after the Secretary of  
 7 State determines and reports to the Committees on Appro-  
 8 priations that the equipment is no longer required to meet  
 9 programmatic purposes in the designated country or re-  
 10 gion: *Provided*, That any such transfer shall be subject  
 11 to prior consultation with, and the regular notification  
 12 procedures of, the Committees on Appropriations.

13 (c) AIRCRAFT COORDINATION.—

14 (1) AUTHORITY.—The uses of aircraft pur-  
 15 chased or leased by the Department of State and the  
 16 United States Agency for International Development  
 17 (USAID) with funds appropriated or otherwise made  
 18 available by an Act making appropriations for the  
 19 Department of State, foreign operations, and related  
 20 programs shall be coordinated under the authority of  
 21 the appropriate Chief of Mission: *Provided*, That  
 22 notwithstanding section 7006(b) of the Department  
 23 of State, Foreign Operations, and Related Appro-  
 24 priations Act, 2018 (division K of Public Law 115–  
 25 141) or any other similar provision of law, such air-

1       craft may be used to transport, on a reimbursable  
2       or non-reimbursable basis, Federal and non-Federal  
3       personnel supporting Department of State and  
4       USAID programs and activities: *Provided further*,  
5       That official travel for other agencies for other pur-  
6       poses may be supported on a reimbursable basis, or  
7       without reimbursement when traveling on a space  
8       available basis: *Provided further*, That funds received  
9       by the Department of State in connection with the  
10      use of aircraft owned, leased, or chartered by the  
11      Department of State may be credited to the Work-  
12      ing Capital Fund of the Department and shall be  
13      available for expenses related to the purchase, lease,  
14      maintenance, chartering, or operation of such air-  
15      craft.

16           (2) SCOPE.—The requirement and authorities  
17      of this subsection shall only apply to aircraft, the  
18      primary purpose of which is the transportation of  
19      personnel.

20           (d) AIRCRAFT OPERATIONS AND MAINTENANCE.—  
21      To the maximum extent practicable, the costs of oper-  
22      ations and maintenance, including fuel, of aircraft funded  
23      by an Act making appropriations for the Department of  
24      State, foreign operations, and related programs shall be  
25      borne by the recipient country.

1 **SEC. 17. PARKING FINES AND REAL PROPERTY TAXES**  
2 **OWED BY FOREIGN GOVERNMENTS.**

3 (a) IN GENERAL.—Subject to subsection (c), and for  
4 each fiscal year, of the funds appropriated pursuant to an  
5 Act making appropriations for the Department of State,  
6 foreign operations, and related programs for bilateral as-  
7 sistance, international security assistance, multilateral as-  
8 sistance, or export and investment assistance for a foreign  
9 country, an amount equal to 110 percent of the total  
10 amount of the unpaid fully adjudicated parking fines and  
11 penalties and unpaid property taxes owed by the central  
12 government of such country shall be withheld from obliga-  
13 tion for assistance for the central government of such  
14 country until the Secretary of State submits a certification  
15 to the Committees on Appropriations stating that such  
16 parking fines and penalties and unpaid property taxes are  
17 fully paid.

18 (b) AVAILABILITY OF WITHHELD FUNDS.—Funds  
19 withheld from obligation pursuant to subsection (a) may  
20 be made available for other programs or activities funded  
21 pursuant to an Act making appropriations for the Depart-  
22 ment of State, foreign operations, and related programs,  
23 after consultation with, and subject to the regular notifica-  
24 tion procedures of, the Committees on Appropriations,  
25 provided that no such funds shall be made available for  
26 assistance for the central government of such foreign

1 country that has not paid the full amount of the fully ad-  
2 judicated parking fines and penalties and unpaid property  
3 taxes owed by such country.

4 (c) EXCEPTION.—Subsection (a) shall not include  
5 amounts that have been withheld under any other provi-  
6 sion of law.

7 (d) NATIONAL SECURITY WAIVER.—The Secretary of  
8 State may waive the requirements set forth in subsection  
9 (a) on a country-by-country basis if the Secretary deter-  
10 mines that to do so is in the national interest of the United  
11 States.

12 (e) REPORT.—Not later than 180 days after the ini-  
13 tial exercise of the waiver authority contained in sub-  
14 section (d), the Secretary of State, after consultation with  
15 the City of New York, shall submit a report to the Com-  
16 mittees on Appropriations describing a strategy, including  
17 timetable and steps currently being taken, to collect the  
18 parking fines and penalties and unpaid property taxes and  
19 interest owed by countries receiving foreign assistance  
20 pursuant to an Act making appropriations for the Depart-  
21 ment of State, foreign operations, and related programs.

22 (f) DEFINITIONS.—In this section:

23 (1) FULLY ADJUDICATED.—The term “fully ad-  
24 judicated” includes circumstances in which the per-  
25 son to whom the vehicle is registered—

1 (A)(i) has not responded to the parking  
2 violation summons; or

3 (ii) has not followed the appropriate adju-  
4 dication procedures to challenge the summons;  
5 and

6 (B) the period of time for payment of, or  
7 challenge to, the summons has lapsed.

8 (2) PARKING FINES AND PENALTIES.—The  
9 term “parking fines and penalties” means parking  
10 fines and penalties—

11 (A) owed to—

12 (i) the District of Columbia; or

13 (ii) New York, New York; and

14 (B) incurred after April 1, 1997.

15 (3) UNPAID PROPERTY TAXES.—The term “un-  
16 paid property taxes” means the amount of unpaid  
17 taxes and interest determined to be owed by a for-  
18 eign country on real property in the District of Co-  
19 lumbia or New York, New York in a court order or  
20 judgment entered against such country by a court of  
21 the United States or any State or subdivision there-  
22 of.



1 **SEC. 18. UNITED STATES AGENCY FOR INTERNATIONAL DE-**  
2 **VELOPMENT MANAGEMENT.**

3 (a) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-  
4 viduals hired and employed by USAID, with funds appro-  
5 priated or otherwise made available pursuant to an Act  
6 making appropriations for the Department of State, for-  
7 eign operations, and related programs, pursuant to the au-  
8 thority of section 309 of the Foreign Service Act of 1980  
9 (22 U.S.C. 3949), may be extended for a period of up to  
10 4 years notwithstanding the limitation set forth in such  
11 section.

12 (b) DISASTER SURGE CAPACITY.—Funds appro-  
13 priated pursuant to an Act making appropriations for the  
14 Department of State, foreign operations, and related pro-  
15 grams to carry out part I of the Foreign Assistance Act  
16 of 1961, including funds appropriated under the heading  
17 “Assistance for Europe, Eurasia and Central Asia”, may  
18 be used, in addition to funds otherwise available for such  
19 purposes, for the cost (including the support costs) of indi-  
20 viduals detailed to or employed by USAID whose primary  
21 responsibility is to carry out programs in response to nat-  
22 ural disasters, or man-made disasters subject to the reg-  
23 ular notification procedures of the Committees on Appro-  
24 priations.

25 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-  
26 propriated or otherwise made available pursuant to an Act

1 making appropriations for the Department of State, for-  
2 eign operations, and related programs to carry out chap-  
3 ters 1 and 10 of part I, chapter 4 of part II, and section  
4 667 of the Foreign Assistance Act of 1961, and title II  
5 of the Food for Peace Act (Public Law 83–480; 7 U.S.C.  
6 1721 et seq.), may be used by USAID to employ up to  
7 40 personal services contractors in the United States, not-  
8 withstanding any other provision of law, for the purpose  
9 of providing direct, interim support for new or expanded  
10 overseas programs and activities managed by the agency  
11 until permanent direct hire personnel are hired and  
12 trained: *Provided*, That not more than 15 of such contrac-  
13 tors shall be assigned to any bureau or office: *Provided*  
14 *further*, That such funds appropriated to carry out title  
15 II of the Food for Peace Act (Public Law 83–480; 7  
16 U.S.C. 1721 et seq.), may be made available only for per-  
17 sonal services contractors assigned to the Office of Food  
18 for Peace.

19 (d) SMALL BUSINESS.—In entering into multiple  
20 award indefinite-quantity contracts with funds appro-  
21 priated by an Act making appropriations for the Depart-  
22 ment of State, foreign operations, and related programs,  
23 USAID may provide an exception to the fair opportunity  
24 process for placing task orders under such contracts when

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

3 (e) SENIOR FOREIGN SERVICE LIMITED APPOINT-  
4 MENTS.—Individuals hired pursuant to the authority pro-  
5 vided by section 7059(o) of the Department of State, For-  
6 eign Operations, and Related Programs Appropriations  
7 Act, 2010 (division F of Public Law 111–117) may be  
8 assigned to or support programs in Afghanistan or Paki-  
9 stan with funds appropriated or otherwise made available  
10 pursuant to an Act making appropriations for the Depart-  
11 ment of State, foreign operations, and related programs.

12 **SEC. 19. INSPECTORS GENERAL.**

13 (a) PROHIBITION ON USE OF FUNDS.—None of the  
14 funds appropriated by an Act making appropriations for  
15 the Department of State, foreign operations, and related  
16 programs may be used to deny an Inspector General fund-  
17 ed under such Act timely access to any records, docu-  
18 ments, or other materials available to the department or  
19 agency of the United States Government over which such  
20 Inspector General has responsibilities under the Inspector  
21 General Act of 1978 (5 U.S.C. App.), or to prevent or  
22 impede the access of such Inspector General to such  
23 records, documents, or other materials, under any provi-  
24 sion of law, except a provision of law that expressly refers

1 to such Inspector General and expressly limits the right  
2 of access of such Inspector General.

3 (b) **TIMELY ACCESS.**—A department or agency of the  
4 United States Government covered by this section shall  
5 provide its Inspector General access to all records, docu-  
6 ments, and other materials in a timely manner.

7 (c) **COMPLIANCE.**—Each Inspector General covered  
8 by this section shall ensure compliance with statutory limi-  
9 tations on disclosure relevant to the information provided  
10 by the department or agency over which that Inspector  
11 General has responsibilities under the Inspector General  
12 Act of 1978 (5 U.S.C. App.).

13 (d) **REPORT.**—Each Inspector General covered by  
14 this section shall report to the Committees on Appropria-  
15 tions within 5 calendar days of any failure by any depart-  
16 ment or agency of the United States Government to pro-  
17 vide its Inspector General access to all requested records,  
18 documents, and other materials.

19 **SEC. 20. EXTRADITION.**

20 (a) **LIMITATION.**—None of the funds appropriated by  
21 an Act making appropriations for the Department of  
22 State, foreign operations, and related programs may be  
23 used to provide assistance (other than funds provided  
24 under the headings “International Disaster Assistance”,  
25 “Complex Crises Fund”, “International Narcotics Control

1 and Law Enforcement”, “Migration and Refugee Assist-  
2 ance”, “United States Emergency Refugee and Migration  
3 Assistance Fund”, and “Nonproliferation, Anti-terrorism,  
4 Demining and Related Assistance”) for the central gov-  
5 ernment of a country which has notified the Department  
6 of State of its refusal to extradite to the United States  
7 any individual indicted for a criminal offense for which  
8 the maximum penalty is life imprisonment without the  
9 possibility of parole or for killing a law enforcement offi-  
10 cer, as specified in a United States extradition request.

11 (b) CLARIFICATION.—Subsection (a) shall only apply  
12 to the central government of a country with which the  
13 United States maintains diplomatic relations and with  
14 which the United States has an extradition treaty and the  
15 government of that country is in violation of the terms  
16 and conditions of the treaty.

17 (c) WAIVER.—The Secretary of State may waive the  
18 restriction under subsection (a) on a case-by-case basis if  
19 the Secretary certifies to the appropriate congressional  
20 committees that each waiver is important to the national  
21 interest of the United States.

22 **SEC. 21. COMMERCIAL LEASING OF DEFENSE ARTICLES.**

23 Notwithstanding any other provision of law, and sub-  
24 ject to the regular notification procedures of the Commit-  
25 tees on Appropriations, the authority of section 23(a) of

1 the Arms Export Control Act may be used to provide fi-  
2 nancing to Israel, Egypt, the North Atlantic Treaty Orga-  
3 nization (NATO), and major non-NATO allies for the pro-  
4 curement by leasing (including leasing with an option to  
5 purchase) of defense articles from United States commer-  
6 cial suppliers, not including Major Defense Equipment  
7 (other than helicopters and other types of aircraft having  
8 possible civilian application), if the President determines  
9 that there are compelling foreign policy or national secu-  
10 rity reasons for those defense articles being provided by  
11 commercial lease rather than by government-to-govern-  
12 ment sale under such Act.

13 **SEC. 22. SPECIAL DEFENSE ACQUISITION FUND.**

14 Not to exceed \$900,000,000 may be obligated in any  
15 single fiscal year pursuant to section 51(c)(2) of the Arms  
16 Export Control Act for the purposes of the Special De-  
17 fense Acquisition Fund (the Fund), to remain available  
18 for obligation until the end of the fiscal year in which it  
19 was obligated: *Provided*, That the provision of defense ar-  
20 ticles and defense services to foreign countries or inter-  
21 national organizations from the Fund shall be subject to  
22 the concurrence of the Secretary of State.

23 **SEC. 23. ENTERPRISE FUNDS.**

24 (a) NOTIFICATION.—None of the funds made avail-  
25 able under pursuant to an Act making appropriations for

1 the Department of State, foreign operations, and related  
2 programs for bilateral assistance, international security  
3 assistance, multilateral assistance, or export and invest-  
4 ment assistance may be made available for Enterprise  
5 Funds unless the appropriate congressional committees  
6 are notified at least 15 days in advance.

7 (b) DISTRIBUTION OF ASSETS PLAN.—Prior to the  
8 distribution of any assets resulting from any liquidation,  
9 dissolution, or winding up of an Enterprise Fund, in whole  
10 or in part, the President shall submit to the appropriate  
11 congressional committees a plan for the distribution of the  
12 assets of the Enterprise Fund.

13 (c) TRANSITION OR OPERATING PLAN.—Prior to a  
14 transition to and operation of any private equity fund or  
15 other parallel investment fund under an existing Enter-  
16 prise Fund, the President shall submit such transition or  
17 operating plan to the appropriate congressional commit-  
18 tees.

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