

Fiscal Year 2012 Security Cooperation Legislation

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Please note that this summary is not legal advice and may not be relied on for official purposes. The reader should confer with one's assigned general counsel for any related legal analysis or advice.

Introduction

Each year, the *DISAM Journal* publishes a summary of the legislation that impacts U.S. security assistance, security cooperation, and other related international programs. This report is intended to alert all security assistance and security cooperation community members to the collective changes or continued requirements in legislation that will influence program planning and implementation for the coming years. As has been done in the past, the report is in outline form, with key topics highlighted to facilitate locating specific statutory references.

This article does not include the initial funding allocations for FY2012 security assistance programs since the required Department of State report for the allocations to Congress in accordance with Section 653(a), FAA, is not yet available. This report is normally to be completed no later than 30 days after enactment of the Department of State and Foreign Operations Appropriations Act (S/FOAA) which for FY2012 was enacted on 23 December 2011 as Division I, P.L.112-74. However, the Department of State congressional budget justifications (CBJ) for FY2013 provided the estimated FY2012 allocations along with the requests for FY2013 and are used within this article.

The FY2012 appropriations season included five continuing resolutions with the last, P.L. 112-68, 17 Dec 2011, lasting through midnight, 23 December 2011. The S/FOAA for FY2012 was one of the nine required annual appropriations in P.L.112-74. The DoD Appropriations Act, 2012, was included as Division A.

The defense authorization act, the major source for DoD security cooperation authorities, was enacted as the *National Defense Authorization Act (NDAA), Fiscal Year 2012*, P.L.112-81, 31 December 2011. As was the case for the last several years, there was no annual or biennial foreign relations or foreign affairs authorization act for FY2012.

The following three pieces of legislation are to be further summarized in this article as they relate to U.S. security assistance and security cooperation. The highlights of the three laws are provided.

- *Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012*, Division I, P.L.112-74, 23 December 2011.
 - With prior consultation with Congress, most FY2012 military assistance funding programs may be used for the enhancement of foreign security forces in addition to military forces.
 - “Graduating” from DoD funding assistance, Iraq is to receive significant foreign military financing program (FMFP) and international narcotics control and law enforcement (INCLE) funding assistance to use with Iraqi national funds.
 - Using \$100,000,000 from the FMS Admin Fund, the special defense acquisition fund (SDAF) is reinstated.
 - The use of FMFP funding continues to be prohibited for the sustainment of DoD “1206” initiated programs.
 - \$4,000,000 of IMET funding is to remain available through FY2013. In the past, this funding remained available until expended.
 - The former Section 620J, FAA, Limitation on Assistance to Security Forces [Leahy Amendment], is now Section 620M, FAA.
 - Several countries are to be determined, certified, and reported by the Secretary of State to Congress to be in compliance with acceptable human rights standards prior allocation of FY2012 funding assistance.
 - Emergent funding for Oversea Contingency Operations / Global War on Terrorism is provided in Title VIII of the S/FOAA for assistance to Iraq, Afghanistan, and Pakistan.
- *Department of Defense Appropriations Act, 2012*, Division A, P.L.112-74, 23 December 2011
 - Appropriations for the following programs:
 - \$47,026,000 for the Combatant Commander Initiative Fund (CCIF)
 - \$107,662,000 for the Overseas Humanitarian, Disaster, and Civic Aid (OHDCA)
 - \$508,219,000 for the Cooperative Threat Reduction Account
 - \$235,700,000 for the Israeli Cooperative Program
 - \$15,000,000 for the Asia Pacific Regional Initiative (APRI) Program
 - \$1,690,000,000 to reimburse key cooperating countries in South West Asia
 - \$400,000,000 for the Afghanistan Infrastructure Fund (AIF)
 - \$11,200,000,000 for the Afghanistan Security Forces Fund (ASFF)

- \$200,000,000 for DoD contribution to the new Global Security Contingency Fund (GSCF)
- \$400,000,000 in Army O&M for the Commanders' Emergency Response Fund (CERP)
- \$524,000,000 in Air Force O&M to fund operations and activities of the Office of Security Cooperation in Iraq
- Prohibits FY2012 funding for IMET, FMFP, EDA, "1206" assistance, licensing for DCS, and PKO for Chad, Yemen, Somalia, Sudan, Democratic Republic of the Congo, or Burma to support any military training or operations that include child soldiers.
- *National Defense Authorization Act (NDAA), Fiscal Year 2012, P.L.112-81, 31 December 2011*
 - Amends 10 U.S.C. 151 (a) adding the chief of the National Guard Bureau as a member of the Joint Chiefs of Staff
 - Extends the Section 1022 authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism through FY2012
 - Extends the Section 1004 authority of DoD providing support for counterdrug activities of other government agencies through FY2014
 - Extends the Section 1033 authority of DoD to provide additional support for counterdrug activities by other governments through FY2013 and adds 13 additional countries to be eligible
 - Extends the Section 1021 authority of DoD to support counter-drug and counterterrorism campaign in Colombia through FY2012
 - Provides authority through FY2014 for the assignment of DoD civilian employees as advisors to foreign country ministries of defense
 - Amends 10 U.S.C. 407 to include DoD assistance in the clearance of stockpiled conventional munitions
 - Extends Section 1202 authority for DoD to provide through FY2014 the no-cost loan of certain SME to coalition forces in Afghanistan
 - Extends Section 1208 authority for DoD to provide support not to exceed \$50,000,000 annually through FY2015 to forces supporting or facilitating ongoing U.S. special forces operations
 - Extends Section 1206 authority for DoD to provide support through FY2013 for building the capacity of foreign military forces
 - Establishes a two year program at \$35,000,000 annually through FY2013 to support forces participating in operations to disarm the Lord's Resistance Army (LRA)
 - Establishes the joint DoD/DoS Global Security Contingency Fund (GSCF) to be annually funded by DoD at \$200,000,000 and DoS at \$50,000,000

- Until the GSCF is determined operational, authorizes a FY2012 GSCF Transitional program to provide up to \$75,000,000 overall in counterterrorism assistance to military and security forces in Djibouti, Ethiopia, Kenya, and the African Union Mission participants in Somalia.
- Also until the GSCF is determined operational, authorizes a similar FY2012 GSCF Transitional program to provide up to \$75,000,000 in counterterrorism assistance for the Yemen Ministry of Interior.
- Amends the Section 1234 logistics support program to coalition partners in Iraq and Afghanistan authorizing up to \$450,000,000 through FY2012.
- Extends Section 1216 authority in DoD annual support of \$50,000,000 through 31 Dec 2012 for the reintegration of former terrorists in Afghanistan
 - However, prohibits the use of 50 percent in funding until determined and reported that women in Afghanistan are an integral part of the reconciliation process
- Amends Section 1217 authority for \$400,000,000 in DoD support of the Afghanistan Infrastructure Fund (AIF) through FY2012
- Amends Section 1224 authorizing the use of DoD funding within the Pakistan Counterinsurgency Fund (PCF) through FY2012.

Reference Sources

The following abbreviated titles will assist in identifying principal sources of information used in this article. The laws and associated congressional reports can be viewed at the Library of Congress “Thomas” webpage located at <http://thomas.loc.gov>.

- SAMM: *Security Assistance Management Manual*, DoD 5105.38-M, 3 October 2003, with changes. It is maintained electronically and can be viewed on the DSCA webpage at <http://www.dsca.mil/samm/>.
- FAA: *Foreign Assistance Act of 1961*, as amended, Public Law (P.L.) 87-195, 4 September 1961 [22 U.S.C. 2151, et seq.].
- P.L. 87-510: *Migration and Refugee Act of 1962*, P.L. 87-510, 28 June 1962 [22 U.S.C. 2601]
- AECA: *Arms Export Control Act*, as amended, P.L. 94-329, 30 June 1976 [22 U.S.C. 2751, et seq.].
- P.L. 96-8: *Taiwan Relations Act*, P.L. 96-8, 10 April 1979.
- P.L. 96-533: *Peace Corps Act*, Title VI, P.L. 96-533, 16 December 1980.
- P.L. 99-239: *Compact of Free Association*, P.L. 99-239, 14 January 1986.
- P.L. 99-415: *Anglo-Irish Agreement Support Act of 1986*, P.L. 99-415, 19 September 1986.
- P.L. 101-179: *Support for East European Democracy (SEED) Act of 1989*, P.L. 101-179, 28 September 1989.

- P.L. 101-510: *National Defense Authorization Act, Fiscal Year 1991*, P.L. 101-510, 5 November 1990.
- P.L. 102-484: *National Defense Authorization Act, Fiscal Year 1993*, P.L. 102-484, 6 October 1992.
- P.L. 102-511: *Freedom for Russia and Emerging Eurasian Democracies and Open Markets (FREEDOM) Support Act (FSA) of 1992*, P.L. 102-511, 24 October 1992.
- P.L. 103-160: *National Defense Authorization Act, Fiscal Year 1994*, P.L. 103-160, 30 November 1993.
- P.L. 104-164: *To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes*, P.L. 104-164, 21 July 1996.
- P.L. 104-201: *National Defense Authorization Act, Fiscal Year 1997*, P.L. 104-201, 23 September 1996.
- P.L. 105-85: *National Defense Authorization Act, Fiscal Year 1998*, 18 November 1997.
- P.L. 106-113: *Making Consolidated Appropriations for the Fiscal Year ending September 30, 2000, and for Other Purposes*, P.L. 106-113, 29 November 1999.
- P.L. 106-429: *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year ending September 30, 2001, and for Other Purposes*, P.L. 106-429, 6 November 2000.
- P.L. 107-115: *Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002*, P.L. 107-115, 10 January 2002.
- P.L. 108-136: *National Defense Authorization Act, Fiscal Year 2004*, P.L. 108-136, 24 November 2003.
- P.L. 108-287: *Department of Defense Appropriations Act, 2005*, P.L. 108-287, 5 August 2004.
- P.L. 108-375: *Ronald W. Reagan National Defense Authorization Act, Fiscal Year 2005*, P.L. 108-375, 28 October 2004.
- P.L. 109-163: *National Defense Authorization Act for Fiscal Year 2006*, P.L. 109-163, 6 January 2006.
- P.L. 109-364: *National Defense Authorization Act, Fiscal Year 2007*, P.L. 109-364, 17 October 2006.
- P.L. 109-472: *Department of State Authorities Act of 2006*, P.L. 109-472, 11 January 2007.
- P.L. 110-116: *Department of Defense Appropriations Act, 2008, Division A*, P.L. 110-116, 13 November 2007.
- P.L. 110-161: *Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008, Division J*, P.L. 110-161, 26 December 2007.
- P.L. 110-161: *Emergency Supplemental Appropriations Act for Defense, 2008, Division L*, P.L. 110-161, 26 December 2007.
- P.L. 110-181: *National Defense Authorization Act, Fiscal Year 2008*, P.L. 110- 181, 28 January 2008.

- P.L. 110-417: *Duncan Hunter National Defense Authorization Act for Fiscal Year 2009*, P.L. 110-417, 14 October 2008.
- P.L.110-457: *Child Soldiers Prevention Act of 2008*, Title IV, P.L. 110-457, 23 December 2008.
- P.L. 111-08: *Department of State, Foreign Operation, and Related Programs Appropriations Act, 2009, Division H*, P.L. 111-08, 11 March 2009.
- P.L. 111-32: *Supplemental Appropriations Act, 2009*, P.L. 111-32, 24 June 2009.
- P.L. 111-73: *Enhanced Partnership with Pakistan Act of 2009*, P.L. 111-73, 15 October 2009.
- P.L. 111-84: *National Defense Authorization Act for Fiscal Year 2010*, P.L. 111-84, 28 October 2009.
- P.L. 111-88: *Further Continuing Resolution, 2010*, Division B, P.L. 111-88, 30 October 2009.
- P.L. 111-117: *Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010*, Division F, P.L. 111-117, 16 December 2009.
- P.L. 111-118: *Department of Defense Appropriations Act, 2010*, Division A, P.L. 111-118, 19 December 2009.
- P.L. 111-383: *Ike Skelton National Defense Authorization Act, Fiscal Year 2011*, P.L.111-383, 7 January 2011.
- P.L.112-10: *Department of Defense Appropriations Act, 2011*, Division A, P.L.112-10, 15 April 2011.
- P.L.112-10: *Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011*, Division B, Title XI, P.L.112-10, 15 April 2011.
- P.L.112-74: *Department of Defense Appropriations Act, 2012*, Division A, P.L.112-74, 23 December 2011.
- P.L.112-74: *Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012*, Division I, P.L.112-74, 23 December 2011.
- P.L.112-81: *National Defense Authorization Act, Fiscal Year 2012*, P.L.112-81, 31 December 2011.

Legislation for Fiscal Year 2012

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (S/FOAA), Division I, P.L.112-74, 23 December 2011

- The House Appropriations Committee (HAC) never passed an S/FOAA for FY2012 while the Senate Appropriations Committee (SAC) passed S1601 on 21 Sep 11 with S.Rpt. 112-85 published on 22 Sep 11. The bill was never acted upon by the Senate.
- The final S/FOAA was incorporated into HR2055, *Consolidated Appropriations Act, 2012*, as Division I. HR2055 was originally introduced and passed months earlier by both houses as the Military Construction and Veteran's Affairs Appropriations Act, 2012. HR2055 became the vehicle used by the conference committee to amend into the

needed consolidated appropriation for the outstanding nine appropriations remaining for FY2012. The conference report was filed on 15 Dec 11 as H.Rpt 112-331 and immediately passed by both houses, on 16 Dec by the House and 17 Dec by the Senate. The final omnibus appropriation was enacted on 23 Dec 11 as P.L.112-74.

- Table One provides an overview for FY2012 security assistance funding to include the final appropriation for FY2010 and the proposed request for FY2013.

Program	FY2011 Appropriation	FY2012 Appropriation	FY2013 Request
FMFP	\$5,374,230,000	\$6,312,000,000	\$6,383,320,000
IMET	105,788,000	105,788,000	102,643,000
PCCF	297,220,000	800,000,000	800,000,000
ESF	5,931,714,000	5,796,207,000	5,886,442,000
PKO	304,390,000	383,818,000	249,100,000
INCLE	1,593,806,000	2,004,705,000	2,506,502,000
NADR	738,520,000	710,770,000	635,668,000

Note: The FY2011 PCCF was a transfer from the DoD PCF account, and the FY2012 PCCF includes \$50M which was transferred to the new Global Security Contingency Fund (GSCF).
Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012

***Title IV, International Security Assistance, Funds Appropriated to the President
Foreign Military Financing Program (FMFP)***

- Appropriated \$5,210,000,000 in grant assistance to carry out the provisions of Section 23, AECA.
 - Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism*, appropriated an additional \$1,102,000,000 in FMFP grant assistance but to remain available only through 30 Sep 2013.
- Following consultation with the appropriations committees and regular committee notifications, these funds may be used to procure defense articles and services to enhance the capacity of **foreign security forces**.
- The following earmarks are included:
 - Not less than \$3,075,000,000 for **Israel** of which not less than \$808,725,000 shall be available for procurement in Israel to include research and development.

- FY2012 is the fourth year in which the U.S. will provide \$30 billion overall in FMFP assistance during a ten year period to Israel.
 - \$1,300,000,000 for **Egypt** to include border security programs and activities in the Sinai.
 - \$300,000,000 for **Jordan**
- The Secretary of State is to submit a report to the appropriations committees detailing any crowd control items, including tear gas, made available with appropriated funds or through export licenses to foreign security forces that the Secretary has credible information have repeatedly used excessive force to repress peaceful, lawful, and organized dissent.
 - The Secretary is to consult with the appropriations committees prior to obligating funds for such items to governments of countries undergoing democratic transition in the Middle East and North Africa
- No FY2012 FMFP funds shall be made available to support or continue any program initially funded under the Section 1206, NDAA, FY2006, as amended, P.L.109-163, 6 Jan 2006, unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the appropriations committees.
- FY2012 FMFP funds may be used for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations.
- Not more than \$62,800,000 may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the U.S., for the general costs of administering military assistance and sales.
 - Not more than \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation allowances.
- And finally, not more than \$836,900,000 of funds realized pursuant to Section 21(e)(1)(A), AECA [admin fund], may be obligated for DoD expenses during FY2012 pursuant to Section 43(b), AECA [recovery of admin expenses].
 - Later Section 7080 of this Act allows for up to \$100,000,000 in the Admin Fund to be transferred to the Section 51, AECA, **Special Defense Acquisition Fund (SDAF)** to remain available for obligation through FY2015.
- Table Two provides the estimated FMFP funding allocations for FY2012 along with actual allocations for FY2011 and requested funding for FY2013.

Table Two
Foreign Military Financing Program (FMFP) Allocations
(\$ in thousands)

<u>Program</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>
<u>Africa</u>	\$19,098	\$16,118	\$15,971
Botswana	339	200	200
Chad	399	200	
Cote d'Ivoire			200
DR of the Congo	300		200
Djibouti	1,996	1,500	1,000
Ethiopia		843	
Gabon	200		
Ghana	449	350	350
Guinea			200
Kenya	998	1,500	1,096
Liberia	7,173	6,500	6,500
Mali	200	200	
Mauritania	200	200	
Nigeria	1,212	1,000	1,000
Rwanda	300	200	200
Senegal	399	325	325
South Africa	798	700	700
South Sudan			200
Tanzania	200	200	200
Uganda	300	200	200
Africa Regional	3,635	2,000	3,400
<u>East Asia & Pacific</u>	\$39,202	\$35,658	\$35,488
Cambodia	748	800	1,000
Indonesia	19,960	14,000	14,000
Mongolia	2,996	3,000	3,000
Philippines	11,970	14,555	13,500
Thailand	1,568	988	988
Vietnam	1,960	2,315	3,000
<u>Europe & Eurasia</u>	\$131,171	\$106,865	\$102,000
Albania	3,992	3,000	3,000
Armenia	2,994	2,700	2,700
Azerbaijan	2,994	2,700	2,700

Bosnia & Herzegovina	4,491	4,500	4,500
Bulgaria	9,481	8,500	7,800
Croatia	3,493	2,500	2,500
Czech Republic	5,988	5,000	5,000
Estonia	2,695	2,400	2,400
Georgia	15,968	14,400	14,400
Hungary	998	900	900
Kosovo	5,000	3,000	3,000
Latvia	2,794	2,250	2,250
Lithuania	2,994	2,550	2,550
Macedonia	3,992	3,600	3,600
Malta	399		
Moldova	1,497	1,250	1,250
Montenegro	1,472	1,200	1,200
Poland	33,932	24,165	20,000
Romania	12,974	12,000	12,000
Serbia	1,896	1,800	1,800
Slovakia	1,397	1,000	1,000
Slovenia	748	450	450
Ukraine	8,982	7,000	7,000
<u>Near East</u>	\$4,740,177	\$4,813,650	\$4,836,150
Bahrain	15,461	10,000	10,000
Egypt	1,297,400	1,300,000	1,300,000
Israel	2,994,000	3,075,000	3,100,000
Jordan	299,400	300,000	300,000
Lebanon	74,850	75,000	75,000
Libya		150	150
Morocco	8,982	8,000	8,000
Oman	13,000	8,000	8,000
Tunisia	17,124	17,500	15,000
Yemen	19,960	20,000	20,000
<u>South & Cen. Asia</u>	\$305,652	\$107,625	\$360,330
Bangladesh	2,957	1,500	1,650
Kazakhstan	2,395	1,800	1,800
Kyrgyz Republic	1,496	1,500	1,500
Maldives		400	400
Nepal	898	940	845

Pakistan	295,408	98,000	350,000
Sri Lanka	998	500	450
Tajikistan	750	800	1,500
Turkmenistan	750	685	685
Uzbekistan		1,500	1,500
<u>West Hemisphere</u>	\$84,477	\$67,284	\$62,381
Belize	200	200	850
Colombia	47,904	37,000	30,000
Costa Rica	349	315	1,402
Ecuador	499	450	450
El Salvador	1,247	1,250	1,800
Guatemala	499	500	750
Haiti	1,597		1,600
Honduras	998	1,000	3,000
Mexico	7,984	7,000	7,000
Nicaragua	339	399	399
Panama	2,096	1,840	2,800
Paraguay	399	350	350
Peru	3,500	1,980	1,980
Uruguay	399		
West Hemi Reg	16,467	15,000	10,000
<u>FMFP Admin</u>	\$54,453	\$62,800	\$60,000
<u>Overseas Contingency Operations (OCO)</u>			
		\$1,102,000	\$911,000
Iraq		850,000	900,000
Pakistan		197,408	
FMFP Admin			11,000
Unallocated		54,592	
Total FMFP	\$5,374,230	\$6,312,000	\$6,383,320
Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012			

***Title IV, International Security Assistance, Funds Appropriated to the President
International Military Education and Training (IMET)***

- Appropriation of \$105,788,000 in grant assistance to carry out the provisions of Section 541, FAA, of which up to \$4,000,000 may remain available through FY2013 and may only

be provided through regular congressional appropriations committees notification procedures.

- The civilian personnel to receive training funded by FY2012 IMET may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights.
- The Secretary of State shall provide a report not later than 45 days of enactment of this Act to both appropriations committees to include proposed uses of all IMET programs on a country-by-country basis with a detailed description of proposed activities.
- Not more than \$55,000 of FY2012 IMET funding may be available for entertainment allowances.
- Table Three provides the estimated IMET funding allocations for FY2012 along with actual allocations for FY2011 and requested funding for FY2013.

Table Three
International Military Education and Training (IMET) Allocations
(\$ in thousands)

<u>Program</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>
<u>Africa</u>	\$16,110	\$14,315	\$13,255
Angola	418	365	280
Benin	236	230	210
Botswana	685	655	575
Burkina Faso	246	225	200
Burundi	352	325	275
Cameroon	285	270	250
Cape Verde	123	120	100
Cen Afr Rep		115	100
Chad	391	340	300
Comoros	125	100	90
Cote d'Ivoire	89		200
DR of the Congo	500	450	400
Djibouti	372	335	315
Ethiopia	650	575	500
Gabon	248	200	170
Ghana	825	765	700
Guinea	48	100	200
Guinea-Bissau	10	65	

Kenya	929	890	750
Lesotho	186	100	90
Liberia	522	490	450
Malawi	400	285	270
Mali	397	350	350
Mauritania	184	150	150
Mauritius	155	120	90
Mozambique	402	385	370
Namibia	204	125	100
Niger	66		115
Nigeria	1,013	870	750
Rep of the Congo	123	110	90
Rwanda	559	500	500
Sao Tome & Principe	180	100	100
Senegal	1,026	850	750
Seychelles	94	100	90
Sierra Leone	394	375	350
South Africa	820	815	750
South Sudan	763	800	750
Swaziland	199	100	90
Tanzania	455	390	375
The Gambia	120	100	90
Togo	286	140	120
Uganda	608	600	550
Zambia	422	335	300
<u>East Asia & Pacific</u>	\$9,291	\$8,740	\$8,135
Cambodia	260	260	260
Indonesia	1,811	1,800	1,610
Laos	200	200	200
Malaysia	956	825	700
Marshall Islands	45	55	50
Mongolia	997	875	750
Philippines	1,971	1,850	1,665
Samoa	113	40	40
Thailand	1,568	1,325	1,250
Timor-Leste	297	300	300
Vietnam	476	650	750

E. Asia & Pac Reg	597	560	560
<u>Europe & Eurasia</u>	\$30,287	\$29,425	\$28,600
Albania	1,064	1,000	1,000
Armenia	449	700	600
Azerbaijan	943	700	600
Bosnia & Herzegovina	986	1,000	1,000
Bulgaria	1,778	1,700	1,800
Croatia	956	900	900
Czech Rep	1,992	1,900	1,800
Estonia	1,143	1,125	1,100
Georgia	1,895	1,900	1,800
Greece	98	100	100
Hungary	1,077	950	900
Kosovo	678	700	700
Latvia	1,135	1,150	1,150
Lithuania	1,143	1,125	1,100
Macedonia	1,041	950	900
Malta	153	150	150
Moldova	898	750	750
Montenegro	455	500	500
Poland	2,090	2,100	2,000
Portugal	93	100	100
Romania	1,750	1,750	1,700
Serbia	893	900	900
Slovakia	950	900	900
Slovenia	712	675	650
Turkey	3,990	3,800	3,600
Ukraine	1,925	1,900	1,900
<u>Near East</u>	\$17,294	\$18,009	\$18,945
Algeria	953	1,225	1,150
Bahrain	435	700	725
Egypt	1,275	1,400	1,800
Iraq	1,736	2,000	2,000
Jordan	3,760	3,700	3,800
Lebanon	2,476	2,375	2,250
Libya		200	50
Morocco	1,989	1,805	1,710

Oman	1,622	1,650	2,050
Saudi Arabia	4		10
Tunisia	1,950	1,854	2,300
Yemen	1,094	1,100	1,100
<u>South & Cen Asia</u>	\$13,088	\$14,040	\$14,259
Afghanistan	1,555	1,950	1,500
Bangladesh	994	950	900
India	1,601	1,330	1,260
Kazakhstan	876	785	707
Kyrgyz Rep	820	1,000	1,000
Maldives	179	190	176
Nepal	1,010	950	900
Pakistan	4,055	5,000	6,000
Sri Lanka	952	665	626
Tajikistan	469	570	540
Turkmenistan	288	350	350
Uzbekistan	289	300	300
<u>West Hemis</u>	\$14,458	\$15,700	\$14,446
Argentina	297	750	544
Belize	190	190	180
Bolivia	198	230	200
Brazil	631	640	625
Chile	821	855	810
Colombia	1,695	1,665	1,575
Costa Rica	394	375	350
Dom Rep	600	810	765
Ecuador	400	380	360
El Salvador	1,521	1,050	1,000
Guatemala	192	760	720
Guyana	386	315	300
Haiti	220	220	220
Honduras	765	700	650
Jamaica	739	700	398
Mexico	1,006	1,635	1,549
Nicaragua	538	790	700
Panama	738	760	720
Paraguay	407	380	360

Peru	619	620	585
Suriname	251	240	225
The Bahamas	201	190	180
Trinidad & Tobago	253	180	180
Uruguay	590	465	450
Barbados & E Carib	806	800	800
IMET Admin Exp	\$5,260	\$5,559	\$5,003
Total IMET	\$105,788	\$105,788	\$102,643

Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012

Title VIII, Overseas Contingency Operations, Global War on Terrorism, International Security Assistance, Funds Appropriated to the President

Pakistan Counterinsurgency Capability Fund (PCCF)

- \$850,000,000 to remain available through FY2013 for necessary expenses to carry out the provisions of Part I, Chapter 8 (INCLE); and Part II, Chapters 2 (Military Assistance), 5 (IMET), 6 (PKO), and 8 (Antiterrorism), FAA, and Section 23 (FMFP), AECA, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction.
- Notwithstanding any other provision of law except Section 620M, FAA, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense.
- Such funds may be transferred by the Department of State to the Department of Defense or other federal departments or agencies to support counterinsurgency operations.
- Section 8004 of this Title VIII authorizes the Secretary of State to fund the new Global Security Contingency Fund (GSCF) with \$50,000,000 from INCLE, FMFP, or PCCF appropriations within Title VIII of this Act. The Secretary opted to use the PCCF account.
 - The GSCF was later authorized by Section 1207, *National Defense Authorization Act (NDAA), Fiscal Year 2012*, P.L.112-81, 31 Dec 2011.
- Table Four provides the estimated PCCF funding allocations for FY2012 along with actual allocations for FY2011 and requested funding for FY2013.

Table Four
Pakistan Counterinsurgency Capability Fund (PCCF) Allocations
(\$ in thousands)

<u>Program</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>
PCCF	\$297,220	\$800,000	\$800,000

Notes: The FY2011 amount is from the DoD PCF and the FY2012 amount includes a \$50M transfer to the new Global Security Contingency Fund (GSCF).

Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012

***Title III, Bilateral Economic Assistance, Fund Appropriated to the President
Economic Support Fund (ESF)***

- Appropriation of \$3,001,745,000 in grant assistance to carry out the provisions of Part II, Chapter 4, FAA, to remain available through FY2013.
 - Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism, Bilateral Economic Assistance, Funds Appropriated to the President*, appropriated an additional \$2,761,462,000 in ESF grant assistance also to remain available through FY2013.
- \$250,000,000 shall be available for **Egypt**, including not less than \$35,000,000 for education programs of which not less \$10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need.
- Any funds made available for **Cyprus** shall only be used for scholarships, administrative support for the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.
- \$12,000,000 shall be for assistance for **Lebanon** for use in scholarships at not-for-profit institutions for students in Lebanon with high financial need.
- Not less than \$360,000,000 shall be for **Jordan**.
- Up to \$30,000,000 of the ESF funds previously appropriated by Section 2109, *Department of State, Foreign Operations, and Related Programs, Appropriations Act, 2011*, Division B, Title XI, P.L.112-10, 15 April 2011, may be made available for the costs of loan guarantees for **Tunisia**.
 - This amount for the costs of loan guarantees shall not be considered “assistance” for the purposes of provisions of law limiting assistance to a country.
- Not less than \$179,000,000 shall be apportioned directly to USAID for alternative development/institution building programs in **Colombia**.

- Not less than \$7,000,000 of FY2012 ESF that is available for Colombia, shall be transferred to the heading “Migration and Refugee Assistance” and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries.
- In consultation with the Secretary of the Treasury, the Secretary of State may transfer up to \$200,000,000 in FY2012 ESF to funds appropriated under the heading “Multilateral Assistance, Funds appropriated to the President, International Financial Institutions” for additional payment to such institutions. Prior to exercising this transfer authority, the Secretary of State shall consult with the congressional appropriations committees.
- Table Five provides the estimated ESF funding allocations for FY2012 along with actual allocations for FY2011 and requested funding for FY2013.

<u>Program</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>
<u>Africa</u>	\$503,540	\$607,731	\$562,199
Cote d’Ivoire	14,715	14,715	13,500
DR of the Congo	45,915	47,915	50,100
Liberia	124,532	124,276	105,200
Sierra Leone	6,500	4,500	5,000
Somalia	19,627	19,627	19,400
South Sudan	223,431	305,360	288,499
Sudan	26,393	30,000	37,600
Uganda		5,000	
Zimbabwe	25,578	25,578	23,600
African Union	760	760	900
Africa Regional	16,089	20,000	18,400
E. Africa Regional		10,000	
<u>E. Asia & Pacific</u>	\$90,892	\$88,115	\$55,800
Burma	36,427	35,100	27,200
Cambodia	12,000	7,000	5,000
China	5,000	10,500	4,500
North Korea	3,493		
Timor-Leste	2,994	1,000	
Vietnam	18,463	15,000	7,100

E. Asia & Pac Reg.	12,515	12,515	12,000
Reg Dev Mission-Asia		7,000	
Europe & Eurasia	\$15,852	\$6,000	\$358,077
Albania			10,025
Armenia			27,219
Azerbaijan			11,029
Belarus			11,000
Bosnia & Herzegovina			28,556
Cyprus	8,362	3,500	3,200
Georgia			42,660
Kosovo			42,544
Macedonia			9,812
Moldova			14,050
Montenegro			335
Poland			3,000
Russia			36,229
Serbia			19,913
Ukraine			53,957
Eurasia Reg	2,495		21,137
Europe Reg	2,495		20,911
Intl Fund for Ireland	2,500	2,500	2,500
Near East	\$1,675,925	\$1,539,430	\$1,394,350
Egypt	249,500	250,000	250,000
Iraq	325,700	299,400	262,850
Jordan	362,274	360,000	360,000
Lebanon	84,725	84,725	70,000
Morocco	2,281		
Tunisia	5,000	5,000	10,000
West Bank & Gaza	395,699	395,699	370,000
Yemen	26,606	26,606	38,000
Egypt Debt Relief	100,000		
ME Multilaterals	1,140	1,500	1,000
ME Partnership Init	80,000	70,000	
ME Reg Cooperation	3,000	5,000	2,500
ME Reg Democracy	35,000	35,000	30,000
Trans-Sahara C/T		1,500	
ME Regional	5,000	5,000	

<u>South & Cent Asia</u>	\$2,906,927	\$32,003	\$1,839,195
Afghanistan	1,967,509		811,399
Kazakhstan			6,892
Kyrgyz Rep			32,819
Nepal	16,979	26,979	17,000
Pakistan	918,904		928,250
Tajikistan			19,125
Turkmenistan			4,640
Uzbekistan			5,512
Cen Asia Reg			2,358
S & Cen Asia Reg	3,535	5,024	11,200
<u>West Hemi</u>	\$435,130	\$466,541	\$434,200
Colombia	184,426	179,000	155,000
Cuba	20,000	20,000	15,000
El Salvador		2,000	
Haiti	131,000	148,281	141,000
Mexico	18,000	33,260	35,000
Venezuela	5,000	5,000	3,000
West Hemi Reg	76,704	79,000	85,200
<u>Other</u>	\$303,448	\$253,925	\$204,750
Asia ME Reg	5,000		
Counterterrorism		5,000	10,500
Demo, Conf, & HA	30,458	27,900	
Demo, HR & Labor		6,000	64,000
Edu & Cultural Affairs		5,000	
Eco Grow, Agr & Trade	15,352	15,352	13,500
Energy Resources		8,000	14,250
ME Response Fund	135,000	50,000	
Ocean & Intl Environ	105,552	115,552	101,000
Policy Plan & Learning	1,000		
Unallocated	9,836	13,521	
Spec Reps	1,250	7,000	1,500
FA Prog Eval		600	
<u>Overseas Contingency Operations (OCO)</u>		\$2,801,462	\$1,037,871
Afghanistan		1,936,762	1,037,871
Pakistan		864,700	

Total ESF	\$5,931,714	\$5,796,207	\$5,886,442
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Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012

***Title IV, International Security Assistance, Department of State
Peacekeeping Operations (PKO)***

- An appropriation of \$302,818,000 for necessary expenses to carry out the provisions of Section 551, FAA.
 - Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism*, appropriated an additional \$81,000,000 in PKO assistance but to remain available only through 30 Sep 2013.
- These funds may be used to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in PKO.
- Not less than \$28,000,000 shall be used for the U.S. contribution to the Multinational Force and Observers (MFO) mission in the Sinai.
- Up to \$91,818,000 may be used to pay assessed expenses of international peacekeeping activities in **Somalia**, but to remain available through FY2013.
- No funding appropriated in this Act should be used to support military training or operations that include children soldiers.
- No FY2012 PKO funding shall be obligated or expended except as provided through regular notification procedures with the congressional appropriations committees.
- Table Six provides the estimated PKO funding allocations for FY2012 along with actual allocations for FY2011 and requested funding for FY2013.

Table Six			
Peacekeeping Operations (PKO) Allocations			
(\$ in thousands)			
<u>Program</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>
<u>Africa</u>	\$159,650	\$182,968	\$132,000
Cote d'Ivoire			2,000
DR of the Congo	21,520	19,000	15,000
Liberia	5,000	5,000	2,000
Somalia	75,300	91,818	51,000
South Sudan	41,870	58,000	40,000
Africa Regional	15,960	9,150	22,000

<u>Near East</u>	\$26,000	\$28,000	\$26,000
MFO – Sinai	26,000	28,000	26,000
<u>State/PM</u>	\$118,740	\$91,850	\$91,100
Trans-Sahara C/T	19,940		16,100
GPOI	98,800	91,850	75,000
<u>Overseas Contingency Operations (OCO)</u>		\$81,000	
Somalia		51,000	
Africa Regional		10,000	
Trans-Sahara C/T		20,000	
Total PKO	\$304,390	\$383,818	\$249,100

Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012

***Title IV, International Security Assistance, Department of State
International Narcotics Control and Law Enforcement (INCLE)***

- Appropriation of \$1,061,100,000 for necessary expenses to carry out Section 481, FAA, to remain available through FY2013.
 - Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism*, appropriated an additional \$983,605,000 in INCLE assistance likewise to remain available through 30 Sep 2013.
- Secretary of State is authorized during FY2012 IAW Section 608, FAA, to receive excess property from an USG agency for the purpose of providing the property to a foreign government or international organization under Part I, Chapter 8, FAA, International Narcotics Control, subject to regular notifications procedures to the congressional appropriations committees.
- The Secretary of State shall provide a report to the congressional appropriations committees not later than 45 days after enactment of this Act and prior to the obligation of any funds. This report is to include proposed uses of FY2012 INCLE funds on a country-by-country basis for each proposed program, project or activity.
- The provisions of Section 482(b), FAA, regarding the prohibition for the procurement of weapons and ammunition, shall not apply to FY2012 INCLE funding.
- No FY2012 INCLE funding shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the congressional appropriations committees that such funding is in the U.S. national security interest.

- \$5,000,000 should be used to combat the piracy of U.S. copyrighted materials, consistent with the requirements of Sections 688(a) and (b), S/FOAA, 2008, Division J, P.L.110-161, 26 Dec 2007.
 - These Sections 688(a) and (b) authorize the Secretary of State, in consultation with the World Intellectual Property Organization, to provide equipment and training for law enforcement, provide training for judges and prosecutors, and providing assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.
- The reporting requirements of Section 1404, Supplemental Appropriations Act, 2008, P.L.110-252, 30 Jun 2008, shall apply to the funds made available by this Act. This report is to now include a description of modifications, if any, to the security strategy of the Palestinian Authority.
 - Section 1404 requires a semi-annual report from the Secretary of State to the congressional appropriations committees on U.S. provided assistance for the training of Palestinian security forces to include detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of the forces after training has been completed; and description of the assistance that has been pledged and provided to the Palestinian security forces by other donors.
- The provision of assistance which is comparable to assistance made available under INCLE but which provided under other provision of law shall be provided IAW the provisions of Sections 481(b) and 622(c), FAA.
 - Section 481(b), FAA, states the Secretary of State shall be responsible for coordinating all USG assistance to support international efforts to combat illicit narcotics production or trafficking.
 - Section 622(c), FAA, states the Secretary of State, under the direction of the President, shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs to include but not limited to determining whether there shall such assistance for a country and the value thereof, to the end that such programs are effectively integrated both at home and aboard and the U.S. foreign policy is best served thereby.
- Table Seven provides the estimated INCLE funding allocations for FY2012 along with actual allocations for FY2011 and requested funding for FY2013.

Table Seven
International Narcotics Control and Law Enforcement (INCLE) Allocations
(\$ in thousands)

<u>Program</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>
<u>Africa</u>	\$61,368	\$85,900	\$74,947
DR of the Congo	6,000	6,000	5,250
Ghana	500		
Guinea	500		
Kenya	2,000	2,000	1,800
Liberia	16,000	17,000	15,662
Mozambique	500	500	500
Nigeria	1,250		
Somalia		2,000	1,800
South Africa	2,000	3,000	2,000
South Sudan	25,000	32,000	27,404
Sudan	2,000		2,000
Tanzania	450	450	450
Uganda	235	600	581
Africa Regional	4,933	22,350	17,500
<u>E. Asia & Pacific</u>	\$17,885	\$24,645	\$18,682
China	800	800	800
Indonesia	10,520	11,550	10,066
Laos	1,000	1,000	1,000
Malaysia			800
Philippines	2,065	2,450	2,450
Thailand	1,740	1,740	1,466
Timor-Leste	660	660	660
Vietnam		550	450
E Asia & Pac Reg	1,100	5,895	990
<u>Europe & Eurasia</u>			\$48,633
Albania			4,450
Armenia			2,824
Azerbaijan			1,226
Bosnia & Herzegovina			6,735
Georgia			4,000
Kosovo			10,674
Macedonia			1,663

Moldova			3,230
Montenegro			1,826
Russia			4,182
Serbia			3,000
Ukraine			4,100
Eurasia Reg			323
Europe Reg			400
<u>Near East</u>	\$290,340	\$135,395	\$107,894
Egypt	1,000		7,894
Iraq	114,560		
Jordan	250	500	
Lebanon	19,500	25,000	15,500
Morocco	750	1,500	1,500
Tunisia	1,500		8,000
West Bank/Gaza	150,000	100,000	70,000
Yemen	1,750	7,395	4,000
Trans-Sahara C/T	1,030	1,000	1,000
<u>South & Cen Asia</u>	\$522,558	\$12,814	\$554,619
Afghanistan	400,000		400,000
Bangladesh	350	674	674
Kazakhstan			1,471
Kyrgyz Rep			6,156
Nepal	3,700	3,700	3,330
Pakistan	114,298		124,000
Sri Lanka		1,440	1,440
Tajikistan			7,255
Turkmenistan			550
Uzbekistan			743
S & C Asia Reg	4,210	7,000	9,000
<u>West Hemisphere</u>	\$506,220	\$568,270	\$476,450
Argentina	300	300	
Bolivia	15,000	7,500	5,000
Brazil	1,000	3,000	2,000
Colombia	204,000	160,600	142,000
Ecuador	4,500	4,500	4,500
Guatemala	3,992	5,000	2,000
Haiti	19,420	19,420	17,500

Mexico	117,000	248,500	199,000
Paraguay	500	500	150
Peru	31,500	28,950	23,300
West Hemi Reg	109,008	90,000	81,000
<u>Office to Monitor and Combat Trafficking in Persons</u>			
	\$16,233	\$18,720	\$18,720
<u>INCLE Affairs</u>	\$179,202	\$190,356	\$156,557
Alien Smuggling	1,000	1,000	750
Anti-Money Laund	4,150	4,150	3,600
Critical Flt Safety	16,250	16,250	12,385
Civilian Policing	4,000	4,000	3,800
Crim Youth Gangs	7,000	7,000	3,000
Cyber Crime	3,750	5,000	3,500
Demand Reduction	12,500	12,500	12,500
Fighting Corruption	4,750	5,004	3,900
Intl Law Enf Acad	34,000	31,300	24,000
Inter-reg Aviation	57,052	53,652	46,322
Intl Organizations	4,500	5,000	4,500
Intl Org Crime	1,000	1,000	750
Intl Police PKO		10,000	5,000
Prog Dev & Support	29,250	34,500	32,500
<u>Mid East Resp Fund</u>		\$25,000	
<u>Overseas Contingency Operations (OCO)</u>			
		\$943,605	\$1,050,000
Iraq		500,000	850,000
Yemen		3,605	
Afghanistan		324,000	200,000
Pakistan		116,000	
Total INCLE	\$1,593,806	\$2,004,705	\$2,506,502
Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012			

Title IV, International Security Assistance, Department of State

Nonproliferation, Anti-Terrorism, Demining, and Related (NADR) Programs

- Appropriation of \$590,113,000 for necessary expenses to carry out the provisions of Part II, Chapter 8, FAA, for anti-terrorism assistance; Part II, Chapter 9, FAA, for

nonproliferation and Export Control assistance; Section 504, FREEDOM Support Act (FSA); Section 23, AECA; or the FAA for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations; and Section 301, FAA, for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a U.S. contribution to the Comprehensive Nuclear Test Ban Treaty (CTBT) Preparatory Commission.

- Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism*, appropriated an additional \$120,657,000 in NADR Programs assistance to remain available through 30 Sep 2013.
- FY2012 NADR funding available for Anti-Terrorism Assistance and Export Control Assistance shall remain available through FY2013.
- Not more than \$30,000,000 may be available for the Nonproliferation and Disarmament Fund and remain available until expended subject to prior consultation and regular notification procedures to the congressional appropriations committees.
 - Such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the U.S./ national security interest to do so.
- FY2012 NADR funds may be made available to the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that agency.
- FY2012 NADR funds may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract.
- Table Eight provides the estimated NADR Program funding allocations for FY2012 along with actual allocations for FY2011 and requested funding for FY2013.

Table Eight			
Nonproliferation, Anti-terrorism, Demining, and Related (NADR) Programs Allocations			
(\$ in thousands)			
<u>Program</u>	<u>FY2011</u>	<u>FY2012</u>	<u>FY2013</u>
<u>Nonproliferation Programs</u>			
	\$309,758	\$293,829	\$281,360
Nonproliferation and Disarmament Fund	53,263	30,000	30,000
Export Control and Related Border Security Assistance	59,984	60,909	55,000

Global Threat Reduction			
	70,088	68,978	63,560
IAEA Contribution	79,500	85,900	90,000
CTBT Intl Monitoring System			
	33,000	33,000	33,000
WMD Terrorism	2,000	6,042	5,000
UN Security Council Resolution 1540 Fund			
	3,000	1,500	1,350
CTBTO Preparatory Commission-Special Contributions			
	8,923	7,500	3,450
<u>Anti-Terrorism Programs</u>			
	\$286,691	\$146,284	\$228,308
Antiterrorism Assistance			
	199,691	79,284	166,380
Countering Violent Extremism			
	15,000		4,500
Terrorist Interdiction Program			
	42,050	42,000	34,341
CT Engagement with Allies			
	9,500	8,000	7,000
Counterterrorism Financing			
	20,450	17,000	16,087
<u>Regional Stability and Humanitarian Assistance</u>			
	\$142,071	\$150,000	\$126,000
Conventional Weapons Destruction			
	135,247	150,000	126,000
International Trust Fund			
		6,824	
<u>Overseas Contingency Operations (OCO)</u>			\$120,657
Total NADR	\$738,520	\$710,770	\$635,668
Source: State Department Executive Budget Summary for the Function 150 budget for FY2013 released 13 February 2012			

Other S/FOAA for FY2012

The following includes FY2012 appropriations for programs also funded by Division I, P.L.112-74, 23 Dec 2011, that may be of interest to the security cooperation community.

Title I Department of State and Related Agency, Department of State, Administration of Foreign Affairs

Diplomatic and Consular Programs

- \$6,550,947,000 for necessary expenses of the Department of State and the Foreign Service not otherwise provided for, of which up to \$1,355,000,000 is to remain available until expended for Worldwide Security Protection.
- Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism, Department of State*, appropriates an addition \$4,389,064,000 for Diplomatic and Consular Programs to remain available through FY2013, of which however \$236,201,000 is to remain available until expended for Worldwide Security Protection.
- The heading of “Civilian Stabilization Initiative” in Titles I and II of prior S/FOAAs is to be retitled “Conflict Stabilization Operations,” with up to \$35,000,000 in FY2012 funding for Diplomatic and Consular Programs to be available until expended may be transferred and available within this new heading of Conflict Stabilization Operations.

Payment to the American Institute of Taiwan

- \$21,108,000 for necessary expenses to carry out the *Taiwan Relations Act*, P.L.96-8, 10 Apr 1979.

International Organizations

Contributions to International Organizations

- \$1,449,700,000 for necessary expenses not otherwise provide for to meet annual obligations of membership in international multilateral organizations pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress.
- Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism, Department of State*, appropriates an additional \$101,300,000 under this heading.

Contributions for International Peacekeeping Activities

- \$1,828,182,000 for necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace of which 15 percent shall remain available through FY2013.

Title III, Bilateral Economic Assistance, Funds Appropriated to the President

Development Assistance

- \$2,519,950,000 for necessary expenses to carry out the provisions of Sections 103, 105, 106, and 214, FAA; Sections 251-255, FAA; and Part I, Chapter 10, FAA, all to remain available through FY2013.

International Disaster Assistance

- \$825,000,000 to remain available until expended for necessary expenses to carry out the provisions of Section 491, FAA, for international disaster relief, rehabilitation, and reconstruction assistance.
 - Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism, Department of State*, appropriates an additional \$150,000,000 under the same heading but to remain available only through FY2013.

Transition Initiatives

- \$50,141,000 to remain available until expended for necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to Section 491, FAA, to support transition to democracy and to long-term development of countries in crisis
 - Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism, Department of State*, appropriates an additional \$6,554,000 under the same heading but to remain available only through FY2013.

Complex Crises Fund

- \$10,000,000 to remain available until expended for necessary expenses to carry out the provision of the FAA enabling the Administrator, USAID, in consultation with the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas.
 - Later *Title VIII, Overseas Contingency Operations, Global War on Terrorism, Department of State*, appropriates an additional \$30,000,000 under the same heading but to remain available only through FY2013.

Democracy Fund

- \$114,770,000 to remain available through FY2013 for necessary expenses to carry out the provisions of the FAA for the promotion of democracy globally.

- \$68,000,000 of this amount shall be made available for the Human Rights and Democracy Fund of the Department of State, Bureau of Democracy, Human Rights and Labor.
- The remaining \$46,770,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance within USAID.

Assistance for Europe, Eurasia, and Central Asia (AEECA)

- \$626,718,000 to remain available through FY2013 to carry out the provisions of the FAA, the *Freedom for Russia and Emerging Eurasian Democracies and Open Markets (FREEDOM) Support Act (FSA) of 1992*, P.L.102-511, 24 Oct 1992, and the *Support for East European Democracy (SEED) Act of 1989*, P.L.101-179, 28 Sep 89, for assistance and for related programs for countries identified in Section 3, FREEDOM Support Act, and Section 3(c), SEED Act.

Department of State, Migration and Refugee Assistance

- \$1,639,100,000 to remain available until expended for necessary expenses enabling the Secretary of State to carry out the provisions of Sections 2(a) and (b), *Migration and Refugee Assistance Act of 1962*, P.L. 87-510, 28 June 1962, and other activities to meet refugee and migration needs
 - \$20,000,000 of this amount shall be made available for refugees resettling in Israel.
 - And not less than \$35,000,000 of this amount shall be made available to respond to small-scale emergency humanitarian requirements.

U.S. Emergency Refugee and Migration Assistance Fund

- \$27,200,000 to remain available until expended for necessary expenses to carry out the provisions of Section 2(c), *Migration and Refugee Assistance Act of 1962*, P.L. 87-510, 28 June 1962.

Title VII, General Provisions

Unobligated Balances Report (Section 7002)

- Any USG department or agency to which funds are appropriated or otherwise made available by this Act shall provide a quarterly accounting to the congressional appropriations committees of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such agency in FY2012 or any previous fiscal year.

Prohibition against Direct Funding for Certain Countries (Section 7007)

- None of the funds appropriated or otherwise made available pursuant to Title III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of **Cuba, North Korea, Iran, or Syria**.

Coups d'Etat (Section 7008)

- None of the funds appropriated or otherwise made available pursuant to Titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'etat or decree or, after the date of enactment of this Act, a coup d'etat or decree in which the military plays a decisive role. Such assistance may resume if the President determines and certifies to the congressional appropriations committees that subsequent to the termination of assistance, a democratically elected government has taken office.

Reporting Requirement (Section 7010)

- The Secretary of State shall provide a quarterly written report, starting not later than 1 Apr 2012, to the congressional appropriations committees on the uses of FMFP, IMET, PKO, and PCCF funds. The report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

Availability of Funds (Section 7011)

- No funding appropriated by this Act shall remain available for obligation after FY2012 unless expressly so provided in this Act.
- However, FY2012 funds for the purposes of, inter alia, Part II, Chapter 8 (INCLE), Part I, Chapters 4 (ESF), 5 (IMET), 6 (PKO), 8 (Antiterrorism), and 9 (NADR), FAA, Section 23 (FMFP), AECA, and Assistance for Europe, Eurasia, and Central Asia shall remain available for four years from the date on which the availability of such funds would have otherwise have expired, if the funds are initially obligated before their respective periods of availability contained in this Act.

Limitation on Assistance to Countries in Default (Section 7012)

- No part of any appropriation in Titles III through VI in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the U.S. of principal or interest on any loan made to the country by the U.S. pursuant to a program for which funds are appropriated under this Act unless the President determines following consultations with the congressional appropriations committees that such assistance for the country is in the U.S. national Interest.

Prohibition on Taxation of U.S. Assistance (Section 7013)

- None of the funds appropriated by Titles III through VI of this Act may be made available to provide assistance to a country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that U.S. assistance shall be exempt from taxation, or reimbursed, by the government. The Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform to this requirement.
- An amount equivalent to 200 percent of the total taxes assessed during FY2012 by a government or entity against commodities financed under U.S. assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors, and subcontractors, as of the date of enactment of this Act, shall be withheld from obligation from funds appropriated for assistance for FY2013 and allocated for the central government of that country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the congressional appropriations committees that such taxes have not been reimbursed to the U.S.
- Foreign taxes of a “de minimis” nature [so insignificant or minimal that a court may overlook it in deciding an issue or case] are not subject to these reimbursement provisions.
- Funds withheld from obligation for each country or entity shall be reprogrammed for assistance to countries which do not assess taxes on U.S. assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.
- The provisions of this section shall not apply to any country or entity the Secretary of State determines does not assess taxes on U.S. assistance or has an effective arrangement that is providing substantial reimbursement of such taxes, or U.S. foreign policy interests outweigh the policy of this section.
- The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of U.S. assistance.
 - DSCA Policy Memo 04-32, 21 August 2004, Subject: Prohibition on Taxation of U.S. Assistance, was published as SAMM E-Change 19 to DoD 5105.38-M, *Security Assistance Management Manual* (SAMM) providing a mandatory prohibition note for FMS case LOAs, amendments, and modifications financed with **any type of U.S. assistance funding**. This same memo also provided a sample contract clause to be used for direct commercial sales (DCS) contracts that are financed with U.S. assistance funding.
 - Later DSCA Policy Memo 10-10, 01 December 2010, Subject: Update of Letter of Offer and Acceptance (LOA) Standard Terms and Conditions, was published as SAMM E-Change 139 to DoD 5108.38-M, *Security Assistance Management Manual* (SAMM), updating the standard terms and conditions in Figure C5.F3, SAMM, effective 1 Jan 2011 on FMS LOAs. This includes standard term and condition 4.4.11 within the financial section exempting the FMS sale funded by the USG from all

value added taxes and customs duties imposed by the country or for a required reimbursement by the purchasing country.

- The terms “taxes” and “taxation” refer to value added taxes (VAT) and customs duties imposed on commodities financed with U.S. assistance for programs for which funds are appropriated by this act.

Reservations of Funds (Section 7014)

- Funds appropriated under Titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act. Any such reprogramming is subject to regular notification procedures of the congressional appropriations committees.

Notification Requirements (Section 7015)

- None of the funds made available under Titles II through VI and VIII to include, inter alia, INCLE, Assistance for Europe, Eurasia and Central Asia, ESF, PKO, FMFP, IMET, and PCCF shall be available for obligation for activities, programs, projects, type of material assistance, countries, or other operations not justified or in excess of the amount justified to the appropriations committees for obligation under any of these specific headings unless the congressional appropriations committees are notified 15 days in advance.
- The President shall not enter into any commitment of any FMFP funds for the provision of major defense equipment (MDE) other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the congressional appropriations committees are notified 15 days in advance of such commitment.
 - This notification requirement or any other similar provision of any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under Titles II through IV of this Act of less than 10 percent of the amount previously justified to Congress for such obligation for current fiscal year.
 - Further, this notification requirement or any other similar provision of any other Act may be waived if failure to do so would pose a substantial risk to human health or welfare. However, the required notification shall be provided as early as practicable but in no event later than three days after the waiver action.
- None of the funds appropriated under Titles III through VI and VIII of this Act shall be obligated or expended for assistance for **Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Iraq, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Honduras, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, the Russian Federation, Somalia, Sri Lanka, or Cambodia** except as provided through congressional appropriations committees regular notification procedures.

Notification on Excess Defense Equipment (Section 7016)

- Prior to providing **excess defense articles (EDA)** in accordance with Section 516(a), FAA, the DoD shall notify the appropriations committees to the same extent and under the same conditions as are other committees pursuant to Section 516(f), FAA.
- Before issuing a letter of offer (an FMS LOA) to sell EDA under the AECA, DoD shall notify the appropriations committees in accordance with the regular notification procedures of such committees if the defense articles are significant military equipment (SME) or valued (in terms of original acquisition cost) at \$7,000,000 or more, or if the notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such EDA. The notification is to include the original acquisition cost of such defense articles.

Allocations (Section 7019)

- Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying this Act.
 - These tables are included in the conference report Division I, H.Rpt. 112-331, 15 Dec 2011.
 - Any proposed deviations are subject to the regular notification procedures of the appropriations committees.

Prohibition of Payment of Certain Expenses (Section 7020)

- No FY2012 appropriations or otherwise made available for FFMP, IMET or ESF may be obligated or expended to pay for:
 - Alcoholic beverages or
 - Entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

Prohibition on Assistance to Governments Supporting International Terrorism (Section 7021)

- Within Section 7021(a):
 - None of the funds appropriated or otherwise made available by Titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of Section 6(j), *Export Administration Act (EAA) of 1979*.
 - This prohibition shall terminate twelve months after that government ceases to provide such military equipment. This section applies with respect to lethal equipment provided under a contract entered into after 1 October 1997.
 - The prohibition may be waived if the President determines that such assistance is important to the U.S. national interest. When exercised, the President shall submit to the appropriations committees a report with respect to the furnishing of such assistance detailing the assistance to be provided, including the estimated dollar

amount of the assistance, and an explanation of how the assistance furthers U.S. national interests.

- Within Section 7021(b):
 - Funds appropriated for bilateral assistance in Titles III through VI of this Act and funds appropriated under any such title in prior S/FOAAs shall not be made available to any government which the President determines:
 - Grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism,
 - Otherwise supports international terrorism, or
 - Is controlled by an organization designated as a terrorist organization under Section 219, Immigration and Nationality Act.
 - This prohibition is waivable if the President determines that national security or humanitarian reasons so justifies. Each waiver such waiver is to be published in the Federal Register and notified to the congressional appropriations committees at least 15 days prior to the waiver takes effect.

Authorization Requirements (Section 7022)

- Funds appropriated by this Act, except under the Trade and Development Agency heading, may be obligated and expended notwithstanding Section 10, P.L.91-672, Section 15, *State Department Basic Authorities Act of 1956*, Section 313, Foreign Relations Authorization Act,. Fiscal Years 1994 and 1995, P.L.103-236, and Section 504(a)(1), National Security Act of 1947 [50 U.S.C. 414(a)(1).

Definition of Program, Project, and Activity (Section 7023)

- For the purposes of Title II through VI of this Act, “program, project, and activity” shall be defined at the appropriations act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that the ESF and FMFP accounts shall also be considered to include country, regional, and central program level funding within each account, either as:
 - Justified to the Congress, or
 - Allocated by the Executive Branch IAW a report to be provided to the congressional appropriations committees within 30 days of enactment of this Act as required by Section 653(a), FAA.

Eligibility for Assistance (Section 7027)

- Restrictions contained in this Act or any other act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations (NGOs) from funds appropriated by this Act to carry out provisions of Part I, Chapters 1, 10, 11, and 12, FAA; Part II, Chapter 4 (ESF), FAA; and from funds appropriated under “Assistance for Europe, Eurasia, and Central Asia.”
- However, before using this authority to provide assistance to NGOs, the President shall notify the appropriations committees using regular notification procedures.

- This section shall not apply with respect to Section 620A, FAA, prohibiting assistance to governments supporting terrorism.
- This section shall not apply with respect to Section 116, FAA, prohibiting assistance to governments that violation internationally recognized human rights.

Financial Management and Budget Transparency (Section 7031)

- Within Section 7031(b), National Budget and Contract Transparency:
 - None of the funds appropriated under Titles III and IV of this Act, may be made available to the central government of a country that does not meet minimum standards of fiscal transparency as developed, updated, and strengthened by the Secretary of State.
 - The Secretary of State may waive this transparency requirement on a country-by-country basis if the Secretary reports to the congressional appropriations committees it is important to U.S. national interests.
 - This waiver is to identify any steps taken by the government of that country to publically disclose its national budget and contracts which are in addition to those which were undertaken in previous fiscal years. Also include specific recommendations of short and long-term steps such government can take to improve budgetary transparency, and identify benchmarks for measuring progress.
- Within Section 7031(c), Anti-Kleptocracy:
 - Any officials of a foreign government and their immediate family members who the Secretary of State has credible information having been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the U.S.
 - This prohibition is waivable by the Secretary of State if determined to serve a compelling national interest or that the circumstances have significantly changed.
 - Individuals shall not be ineligible if entry into the U.S. would further important U.S. law enforcement objectives or is necessary to permit the U.S. to fulfill its obligations under the UN Headquarters Agreement.

Multi-Year Commitments (Section 7033)

- None of the funds appropriated by this Act may be used to make a future year funding pledge for any multilateral or bilateral program funded by Titles III through VI of this Act, unless such pledge was:
 - Previously justified in a congressional budget justification,
 - Included in the Act making the appropriations for the S/FOAA or previously authorized by an Act of Congress,

- Notified IAW regular notification procedures of the congressional appropriations committees, or
- The subject of prior consultation with the congressional appropriations committees and such consultation was conducted at least 7 days in advance of the pledge.

Special Provisions (Section 7034)

- Within Section 7034(d), Disarmament, Demobilization and Reintegration.
 - Funds appropriated by this Act and prior S/FOAAs under the headings of ESF, PKO, International Disaster Assistance, and Transition Initiatives should be made available to support programs to disarm, demobilize, and reintegrate former members of foreign terrorist organizations into civilian society.
- Within Section 7034(f), Contingencies.
 - During FY2012, the President may use up to \$50,000,000 under the authority of Section 451, FAA, which already authorizes the use of up to \$25,000,000 in a fiscal year for unanticipated contingencies.
- Within Section 7034(k), Modification of Amendment.
 - Redesignates Section 620J, FAA, Limitation on Assistance to Security Forces, originally from Section 651, P.L.110-61, 26 Dec 2007, to now Section 620M, thus removing duplication with the “first” Section 620J, Depleted Uranium Ammunition, originally placed into the FAA by Section 149, P.L.104-164, 21 Jul 1996.
 - The new Section 620M is often referred to as the “Leahy Amendment” requiring the vetting of individuals or units for possible human rights violations prior to receiving U.S. assistance.
 - The new Section 620M, FAA, was also amended to read as follows:

“Section 620M, Limitation on Assistance to Security Forces.

(a) In General.—No assistance shall be furnished under this Act or the Arms Export Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights.

(b) Exception.—The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the Committee on Foreign Relations in the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

(c) Duty to Inform.—In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the

foreign government in taking effective measures to bring the responsible members of the security forces to justice.

(d) Credible Information.—The Secretary shall establish, and periodically update, procedures to—

(1) ensure that for each country the Department of State has a current list of all security force units receiving United State training, equipment, or other types of assistance;

(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside of the United States Government about gross violations of human rights by security force units;

(3) routinely request and obtain such information from the Department of Defense and the Central Intelligence Agency, and other United States Government sources;

(4) ensure that such information is evaluated and preserved;

(5) ensure that when vetting an individual for eligibility to receive United States training the individual's unit is also vetted;

(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

(7) make publicly available, to the maximum extent practicable, the identity of those units for which no assistance shall be furnished to subsection (a).”

- Within Section 7034(l), the following older FAA sections are repealed:
 - Section 494, Disaster Relief Assistance.
 - Section 495, Cyprus Relief and Rehabilitation.
 - Section 495B, Italy Relief and Rehabilitation.
 - Section 495C, Lebanon Relief and Rehabilitation.
 - Section 495D, Romanian Relief and Rehabilitation.
 - Section 495E, Turkey Relief, Rehabilitation, and Reconstruction.
 - Section 495F, African Rehabilitation and Resettlement.
 - Section 495G, Special Caribbean Hurricane Relief Assistance.
 - Section 495H, Cambodian Disaster Relief Assistance.
 - Section 495I, Assistance for Displaced Persons in Central America.
 - Section 495J, Lebanon Emergency Relief, Rehabilitation, and Reconstruction Assistance.
 - Section 495K, African Famine Assistance.
- Within Section 7034(o), Government Expenditures, no funds appropriated under Title III and under INCLE in this Act, should not be made available for assistance for any government for programs or activities in FY2013 if the Secretary of State or the Administrator, U.S. AID, has credible information that such government is reducing its

own expenditures for such programs or activities as a result of the assistance provided and for reasons that are inconsistent with the purposes of such assistance.

Limitations on Assistance for the Palestinian Authority (Section 7040)

- No FY12 ESF funding may be obligated or expended with respect to providing funds to the **Palestinian Authority**.
 - This prohibition shall not apply if the President certifies in writing to the Speaker of the House, the President pro tempore of the Senate, and the appropriations committees that a waiver is important to U.S. national security interests. This waiver shall be effective for no more than six months at a time and shall not apply beyond 12 months after enactment of this Act.
 - Any such waiver shall include a report to the appropriations committees detailing waiver justification, purposes for the fund, and the accounting procedures to be in place to ensure funds are properly disbursed. This report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons, and dismantle the terrorist infrastructure.
 - Any such waiver shall also include a certification and report from the Secretary of State to the appropriations committees prior to obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.
- None of the funds appropriated in Titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.
 - If the President certifies and reports to the congressional appropriations committees that all of its ministers or such equivalent has publicly accepted and is complying with the principles contained in Sections 620K(b)(1)(A) and (B), FAA, assistance may be provided to a power-sharing government.
- None of the funds appropriated under Titles III and VI of this Act may be obligated for assistance for the Palestinian Liberation Organization.

Near East (Section 7041)

- Within Section 7041(a), **Egypt**.
 - None of the funds appropriated under Titles III and IV of this Act and in prior Acts making appropriations for the Department of State may be made available for assistance for the central government of Egypt unless the Secretary of State certifies

to the congressional appropriations committees that Egypt is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

- Prior to the obligation of FY2012 FMFP funds, the Secretary of State shall certify to the congressional appropriations committees that Egypt is supporting the transition to civilian government including the holding of free and fair elections, implementing policies to protect freedom of expression, association and religion, and due process of law.
- The Secretary of State may waive these prohibitions if determines and reports to the congressional appropriations committees with detailed justification that it is in the U.S. national security interest to do so.
- The Secretary of State is to consult with the congressional appropriations committees prior to the transfer of FY2012 FMFP funds to an interest-bearing account for Egypt.
- Within Section 7041(d), **Iraq**.
 - Funds appropriated or otherwise made available by this Act for Iraq assistance shall be made available in a manner that uses Iraqi entities to the maximum extent practicable and IAW the cost-sharing and other requirements in the Department of State's 9 Apr 2009 "Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects."
 - Funds appropriated by Titles III and VI for Iraqi assistance may be made available for Iraq notwithstanding any other provision of law except this subsection and new Section 620M, FAA, Limitation on Assistance to Security Forces.
 - FY2012 ESF funding assistance for Iraq shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the U.S. Chief of Mission in Iraq.
- Within Section 7041(e), **Lebanon**.
 - No FY2012 funds appropriated by this Act may be made available for the Lebanese Armed Forces (LAF) if it is controlled by a terrorist organization as defined by Section 219, Immigration and Nationality Act.
 - FY2012 FMFP funds for assistance to Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism. These funds may not be made available for obligation until the Secretary of State submits a detailed spending plan to the congressional appropriations committees not to be submitted later than 30 Sep 2012.

- Funds appropriated by Titles III and VI for Iraqi assistance may be made available for Lebanon notwithstanding any other provision of law except this subsection and new Section 620M, FAA, Limitation on Assistance to Security Forces.
- Within Section 7041(f), **Libya**.
 - Of the funds appropriated by this Act and prior S/FOAAs, up to \$20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya and for exchange programs between Libya and American students and professionals. Such funds shall be made available, to the maximum extent practicable, on a cost matching basis.
 - No funds appropriated by this Act may be made available for infrastructure projects in Libya except on a loan basis with terms favorable to the U.S. and only after consultations with the congressional appropriations committees.
- Within Section 7041(g), **Morocco**.
 - Prior to the obligation of FY2012 FMFP funds for Morocco, the Secretary of State shall submit a report to the congressional appropriations committees on steps being taken by the government of Morocco to:
 - Respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document human rights violations, and
 - Provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.
- Within Section 7041(h), **Syria**.
 - FY2012 funds shall be made available to promote democracy and protect human rights in Syria, a portion of which should be programmed in consultation with governments in the region as appropriate.
- Within Section 7041(i), **Yemen**.
 - No funds appropriated by this Act may be made available for the armed forces of Yemen if such forces are controlled by a foreign terrorist organization as defined by Section 219, Immigration and Nationality Act.

Serbia (Section 7042)

- The Secretary of State is to submit a report to the congressional appropriations committees that the government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia to include apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.
 - Except for humanitarian assistance or assistance to promote democracy, funds appropriated by this Act may be made available for assistance to the central

government of Serbia after 31 May 2012 if the referenced report has been submitted.

- After 31 May 2012, the Secretary of the Treasury should instruct the U.S. executive directors of international financial institutions to support loans and assistance to the government of Serbia subject to the condition for submitting the referenced report.

Africa (Section 7043)

- Within Section 7043(a), Conflict Minerals.
 - FY2012 FMFP may be available for assistance to Rwanda or Uganda unless the Secretary of State has credible information that the governments of **Rwanda or Uganda** is providing political, military, or financial support to armed groups in the Democratic Republic of the Congo that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.
- Within Section 7043(b), Counterterrorism Programs.
 - Of the funds appropriated by this Act, not less than \$52,800,000 should be made available for the **Trans-Sahara** Counter-Terrorism Partnership Program and not less than \$21,300,000 should be made available for the Partnership for Regional East Africa Counterterrorism program.
- Within Section 7043(d), Expanded International Military Education and Training (E-IMET).
 - FY2012 IMET for **Angola, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Guinea, and Zimbabwe** are to be only used for training related to international peacekeeping operations and E-IMET. This limitation is not to apply to courses that support training in maritime security for Angola and Cameroon.
 - No FY2012 IMET may be made available for **Equatorial Guinea or Somalia**.
- Within Section 7043(e), **Ethiopia**.
 - No FY2012 FMFP funding shall be available for Ethiopia unless the Secretary of State:
 - Certifies to the congressional appropriations committees that the government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia, and
 - Submits a report on the types and amounts of U.S. training and equipment proposed to be provided to include steps to ensure that such assistance is not provided to military units or personnel that have violated human rights and steps taken by the government of Ethiopia to investigate and prosecute members of the military who have been credibly alleged to have violated such rights.

- This prohibition shall not apply to assistance to the military efforts in support of international PKO, counterterrorism operations along the Somalia border, and for assistance to the Ethiopian Defense Command and Staff College.
- Within Section 7043(f), **Sudan** Limitation on Assistance.
 - None of the funds appropriated by this Act may be made available for the government of Sudan.
 - This prohibition shall not apply to humanitarian assistance, assistance for the Darfur region, Southern Korofan/Nuba Mountain State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei.
 - Likewise, this prohibition does not apply to assistance to support implementation of the Comprehensive Peace Agreement (CPA), mutual arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and South Sudan, or any other internationally recognized viable peace agreement in Sudan.
- Within Section 7043(g), **South Sudan**.
 - FY2012 funds should be made available for assistance to South Sudan including increasing agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the federal legislative assembly to conduct oversight over government revenues and expenditures.
- Within Section 7043(h), **Uganda**.
 - Funds appropriated by this Act should be made available for programs and activities in areas affected by the Lord's Resistance Army (LRA).
- Within Section 7043(i), War Crimes in **Africa**.
 - Funds appropriated by this Act may be made available for assistance for the central government of a country in which individuals indicted by the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) are credibly alleged to be living if the Secretary of State determines and reports to the congressional appropriations committees that such government is cooperating with the ICTR and SCSL.
 - This subsection shall not apply to assistance provided IAW Section 551, FAA (PKO), or to project assistance under Title VI of this Act.
 - This prohibition may be waived on a country-by-country basis if the President determines it is in the U.S. national security interest and prior to the waiver reports to the congressional appropriations committees to include justifications for the waiver, the steps being taken to obtain any cooperation of the government, and a strategy for bringing the indictee before such a court.

- Within Section 7043(j), **Zimbabwe**.
 - None of the funds appropriated by this Act shall be available for assistance for the central government of Zimbabwe except for health, education, and macroeconomic growth assistance.
 - This prohibition may be set aside if the Secretary of State determines and reports to the congressional appropriations committees that rule of law has been restored in Zimbabwe including respect for ownership and title of property, freedom of speech, and association.

Asia (Section 7044)

- Within Section 7044(a), **Tibet**.
 - FY2012 ESF assistance shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.
- Within Section 7044(b), **Burma**.
 - FY2012 ESF assistance may be available for Burma except no such funds are to be available to the State Peace and Development Council, or its successor, and its affiliated organizations.
 - ESF assistance shall be made available for programs along Burma's borders and for Burmese groups and organizations located outside Burma, and may be available to support programs in Burma.
 - In addition to assistance for Burmese refugees appropriated under the Migration and Refugee Assistance heading in this Act, funds shall be available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in Eastern Burma.
- Within Section 7044(c), **Cambodia**.
 - Funds made available in this Act for a U.S. contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the congressional appropriations committees that the UN and the government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the tribunal.
- Within Section 7044(d), **Indonesia**.
 - Of the FY2012 FMFP appropriations available for assistance to Indonesia, \$2,000,000 may not be obligated until the Secretary of State submits a report to the congressional appropriations committees required by S.Rpt 112-85, 22 Sep 2011, under the FMFP heading regarding Indonesia. This report is to include:

- Steps taken by Indonesia in the previous 12 months to revise its Code of Military Justice, Uniform Criminal Code, and other relevant statutes to deny promotion, suspend from active service, and/or prosecute and appropriately punish military officers credibly alleged to have violated human rights, and to refine further the missions and develop an appropriate national defense budget to carry out that mission;
- Efforts by the military in the previous 12 months to cooperate with civilian judicial authorities to resolve cases of violations of human rights;
- Efforts by the military in the previous 12 months to implement reforms that increase the transparency and accountability of the military's operations and financial management and concrete steps taken to achieve divestment of all military businesses; and
- Whether the government of Indonesia is allowing public access to Papua, including foreign diplomats, NGOs, and journalists, and respecting due process and freedoms of expression and association in Papua.
- Within Section 7044(e), **North Korea**.
 - No FY2012 ESF funding may be used for energy-related assistance for North Korea.
- Within Section 7044(f), **People's Republic of China**.
 - No funds appropriated under the Diplomatic and Consular Programs heading in this Act may be obligated or expended for processing licenses for the export of U.S.-origin satellites, including commercial satellites and satellite components, to the PRC unless the congressional appropriations committees are notified of the proposed action at least 15 days in advance.
 - The terms and requirements of Section 620(h), FAA, shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) to include such projects or activities by any entity that is owned or controlled by or an affiliate of the PLA.
 - Section 620(h), FAA, directs the President to adopt regulations and establish procedures to ensure that U.S. foreign aid is not used in a manner which, contrary to the best interests of the U.S., promotes or assists the foreign aid projects or activities of any communist country.
 - No funds appropriated or otherwise made available by this Act may be used to finance any grant, contract, or cooperative agreement with the PLA or any entity that the Secretary of State has reason to believe is owned or controlled by the PLA or any of its affiliates.
- Within Section 7044(g), **Philippines**.
 - Of the FY2012 FMFP appropriations available for assistance to Philippines, \$3,000,000 may not be obligated until the Secretary of State submits a report to the

congressional appropriations committees required by S.Rpt 112-85, 22 Sep 2011, under the FMFP heading regarding the Philippines. This report is to include that:

- The government of the Philippines is taking effective steps to prosecute those responsible for extra-judicial executions (EJE), sustain the decline in the number of EJEs, and strengthen government institutions working to eliminate EJEs.
 - The government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for internationally recognized human rights, and is investigating, prosecuting, and punishing military personnel and others who have been credibly alleged to have violated such rights, and
 - The Philippine military does not have a policy of, and is not engaging, acts of violence or intimidation against members of legal organizations who advocate for human rights.
- Within Section 7044(h), **Vietnam**.
 - ESF funds shall be made available for remediation of dioxin contaminated sites in Vietnam, and may be made available for assistance for the government of Vietnam including the military for such purposes.
 - Development Assistance funds shall likewise be made available for related health/disability activities.

Western Hemisphere (Section 7045)

- Within Section 7045(a), **Colombia**.
 - Funds appropriated by this Act and made available to the Department of State for assistance to the government of Colombia may be used to support a unified campaign against narcotics trafficking, illegal armed groups, and organizations designated as foreign terrorist organizations, and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.
 - No U.S. armed forces personnel or U.S. civilian contractor employed by the U.S. will participate in combat operations in connection with assistance made available by this Act for Colombia.
- Rotary and fixed wing aircraft supported with INCLE funds for assistance to Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations.
 - Such aircraft may also be used to provide transport in support of alternative development programs and investigations by civilian judicial authorities.
 - The President shall ensure that if any helicopter procured with funds in this Act or prior S/FOAAs is used to aid or abet the operations of any illegal self-defense

group, paramilitary organization, or other illegal armed group in Colombia, such helicopter shall be immediately returned to the U.S.

- Any complaints of harms to health or licit crops caused by aerial eradication shall be thoroughly investigated and evaluated, and fair compensation paid in a timely manner for meritorious claims.
- Funds may not be made available for aerial eradication unless programs are being implemented by USAID, the government of Colombia, or other organizations in consultation and coordination with local communities to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication.
- Funds appropriated by this Act may not be used for aerial eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the congressional appropriations committees that there are no effective alternatives and the eradication is IAW Colombian laws.
- No funds appropriated by this Act or prior S/FOAAs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad or successor organizations.
- No funds appropriated by this Act for assistance to Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people.
- Of the funds appropriated by this Act for assistance for the Colombian armed forces, 25 percent may be obligated only after the Secretary of State consults with and subsequently certifies and reports to the congressional appropriations committees that the government of Colombia and the Colombian armed forces are meeting the conditions that appear under this section in the Joint Explanatory Statement that accompanied this Act.
 - This withholding action does not apply to FY2012 INCLE funding for continued support for Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs within the Department of State.
- No visas are to be issued to any alien determined to have willfully provided any support or benefitted from the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC) or other illegal armed groups. Also, no visa is to be issued to any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of a human rights violation in Colombia.

- The Secretary of State may waive this prohibition if certified to the congressional appropriations committees on a case-by-case basis that issuance of the visa is necessary to support the peace process in Colombia or for urgent humanitarian reasons.
- Within Section 7045(b), **Guatemala**.
 - FY2012, FMFP and IMET funding assistance may only be available for the Guatemalan Air Force, Navy, and Army Corps of Engineers.
 - FY2012 Expanded IMET may be made available for assistance for the Guatemalan Army.
- Within Section 7045(c), **Haiti**.
 - The government of Haiti shall be eligible to purchase defense articles and services IAW the AECA for the Coast Guard.
- Within Section 7045(d), **Honduras**.
 - Prior to the obligation of 20 percent of the funds appropriated by this Act that are available for the Honduran military and police forces, the Secretary of State shall report in writing to the congressional appropriations committees the government of Honduras is implementing policies to protect freedom of expression and association, and due process of law; and is investigating and prosecuting in civilian justice system, IAW Honduran and international law, military and police personnel who are credibly alleged to have violated human rights, and the Honduran military and police are cooperating with civilian judicial authorities in such case.
 - This subsection restriction is not to apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.
- Within Section 7045(e), **Mexico**.
 - Identical to the previous Honduran restrictions, prior to the obligation of 15 percent of the funds appropriated by this Act that are available for the Mexican military and police forces, the Secretary of State shall report in writing to the congressional appropriations committees the government of Mexico is implementing policies to protect freedom of expression and association, and due process of law; and is investigating and prosecuting in civilian justice system, IAW Mexican and international law, military and police personnel who are credibly alleged to have violated human rights, and the Mexican military and police are cooperating with civilian judicial authorities in such case.
 - This subsection restriction is not to apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

- Within Section 7045(f), Trade Capacity.
 - Not less than \$10,000,000 of FY2012 appropriations for Development Assistance and not less than \$10,000,000 of FY2012 appropriations for ESF shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of **Central America, Peru, and the Dominican Republic.**
- Finally, within Section 7045(g), **Aircraft Operations and Maintenance.**
 - To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this fund should be borne by the recipient country.

South Asia (Section 7046)

- Within Section 7046(a), **Afghanistan.**
 - No FY2012 ESF or INCLE funding may be obligated until the Secretary of State, in consultation with Administrator, USAID, certifies to the congressional appropriations committees that:
 - The funds will be used to design and support programs IAW the June 2011 “Administrator’s Sustainability Guidance for USAID in Afghanistan.”
 - The government of Afghanistan is:
 - Reducing corruption and improving governance
 - Taking credible steps to protect the human rights of women, and
 - Taking steps to facilitate active public participation in governance and oversight.
 - Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial, and local governments.
 - Representatives of Afghan national, provincial, or local governments and local communities and civil society organizations, including women-led organizations will be consulted and participate in the design of programs, projects, and activities.
 - Funds appropriated or otherwise made available by this Act for Afghanistan made be available as a U.S. contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the congressional appropriations committees that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial and audit responsibilities due to restrictions on security personnel by the government of Afghanistan.
 - ESF and INCLE funds that are made available for Afghanistan:
 - Shall be made available to the maximum extent practicable in a manner that emphasizes the participation of Afghan women, and directly imp[roves the

security, economic, and social well-being, and political status, and protects the rights of Afghan women and girls and complies with later Sections 7060 and 7061 of this Act.

- May be made available for a U.S. contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the government of Afghanistan, but only if:
 - Afghan women are participating at national, provincial, and local levels of government in the design, policy formulation and implementation of such programs and such process upholds steps taken by Afghanistan to protect the human rights of Afghan women, and
 - Such funds will not be used to support any pardon or immunity from prosecution or any position in the government of Afghanistan or security forces for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism, and
 - May be made available for a U.S. contribution to the NATO/ISAF post-operations Humanitarian Relief Fund.
- The authority within Section 1102(c), P.L.111-32, 24 Jun 2009, allowing the purchase of Afghanistan-origin products and services, shall continue to apply to funding from this Act.
- Not less than \$50,000,000 in funds appropriated by this Act for Afghanistan assistance shall be available for rule of law programs.
- Within Section 7046(b), **Nepal**.
 - FY2012 FMFP funding assistance for Nepal may only be made available if the Secretary of State certifies to the congressional appropriations committees that the Nepal Army is:
 - Cooperating fully with investigations and prosecutions of violations of human rights by civilian judicial authorities, and
 - Working constructively to redefine the Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Army, consistent with the goals of reconciliation, peace and stability.
 - This funding prohibition shall not apply to humanitarian relief and reconstruction activities in Nepal.

- Within Section 7046(c), **Pakistan**.
 - No FY2012 ESF, INCLE, FMFP, or PCCF may not be made available for assistance to Pakistan unless the Secretary of State certifies to the congressional appropriations committees that the government of Pakistan is:
 - Cooperating with the U.S. in counterterrorism efforts against specified terror groups, including steps to end support for such groups and prevent them from basing operating in Pakistan and carrying out cross border attacks in neighboring countries;
 - Not supporting terrorist activities against U.S. or coalition forces in Afghanistan, also that military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;
 - Dismantling improvised explosive devices networks and interdicting precursor chemicals use in their manufacture;
 - Preventing the proliferation of nuclear-related material and expertise;
 - Issuing visas in a timely manner for U.S. visitors engaged in counterterrorism efforts and assistance programs; and
 - Providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.
 - The Secretary of State may waive the requirements of this certification if to do so in the in the U.S. national security interest.
 - FY2012 FMFP funding assistance is only to support counterterrorism and counterinsurgency capabilities in Pakistan subject to the Leahy vetting requirements of new Section 620M, FAA.
 - FY2012 ESF for Pakistan should be made available to interdict precursor materials from Pakistan to Afghanistan that are used for the manufacture of improvised explosive devices. This is to include support programs for training border and customs officials in Pakistan and Afghanistan, and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.
 - \$10,000,000 of FY2012 ESF shall be made available through the DoS Bureau of Democracy, Human Rights, and Labor for human rights and democracy programs in Pakistan.
 - Funds appropriated under Titles III and IV of this Act for assistance to Pakistan may be available notwithstanding any other provision of law except the Leahy vetting requirements of new Section 620M, FAA.
- Within Section 7046(d), **Sri Lanka**.
 - No FY2012 FMFP funding assistance, no DCS export license may be issued, and no military equipment or technology may be made available to Sri Lanka unless the

Secretary of State certifies to the congressional appropriations committees that the government of Sri Lanka is:

- Conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;
- Bringing to justice individuals who have been credibly alleged to have committed such violations;
- Supporting and cooperating with any UN investigation of alleged war crimes and violations of international humanitarian law;
- Respecting due process, the rights of journalists and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;
- Providing access to detainees by humanitarian organizations; and
- Implementing policies to promote reconciliation and justice including devolution of power.
- This prohibition shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.
- Once the certification is provided, FY2012 FMFP funding assistance should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.
- Within Section 7046(e), Regional Cross Border Programs.
 - FY2012 ESF for assistance to **Afghanistan and Pakistan** may be provided notwithstanding any other provisions of law that restricts assistance to countries for cross border stabilization and development programs between the two countries, or between either country and the Central Asian republics.

War Crimes Tribunals Drawdown (Section 7048)

- If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, may direct a drawdown IAW Section 552(c), FAA, of up to \$30,000,000 of commodities and services for the **UN War Crimes Tribunal** established with regard for the former Yugoslavia or other such tribunals or commissions as the UN Security Council may establish or authorize without regard to the ceiling limitation (\$25,000,000) contained in Section 552(c)(2), FAA.
- This determination is in lieu of any determinations required under Section 522(c), FAA.

Community-Based Police Assistance (Section 7050)

- Funds made available by Titles III and IV of this Act to carry out the provisions of Title I, Chapter One (development assistance), and Title II, Chapters Four (ESF) and Six (PKO), FAA, may be used, notwithstanding Sec. 660, FAA (prohibiting police training), to enhance the effectiveness and accountability of **civilian police** authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the community.

Attendance at International Conferences (Section 7051)

- No funds made available by this Act may be used to send or otherwise pay for the attendance of more than 50 U.S. government employees stationed in the U.S. at any single **international conference** occurring outside the U.S. unless the Secretary of State reports to the congressional appropriations committees at least five days in advance that such attendance is important to U.S. national interest.

Aircraft Transfer and Coordination (Section 7052)

- Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act or prior Acts for S/FOAAs for Diplomatic and Consular Programs, INCLE, Andean Counterdrug Initiative (ACI), and Andean Counterdrug Programs may be used for any other program and in any region, including for the transport of active and standby Civilian Response Corps personnel and equipment during a deployment.
 - The responsibility for policy decisions and justification for the use of this transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and not further delegated.
 - This authority shall only apply after the Secretary of State determines and reports to the congressional appropriations committees that the equipment is no longer required to meet programmatic purposes in the designated country or region.
- The **uses of aircraft** purchased or leased by the DoS or USAID with funds made available by this Act or prior S/FOAAs shall be coordinated under the authority of the applicable Chief of Mission.
 - Such aircraft may be used not a reimbursable or non-reimbursable basis to transport federal and non-federal employees supporting DoS and USAID programs and activities.
 - Official travel for other agencies for other purposes may be supported on a reimbursable or non-reimbursable basis when traveling on a space available basis.

- This limitation shall only apply to aircraft which the primary purpose is the transport of personnel.

Parking Fines and Real Property Taxes Owed by Foreign Governments (Section 7053)

- The terms and conditions of Section 7055, S/FOAA for FY2010, Division F, P.L.111-117, 16 Dec 2009, regarding the same subject, are extended through FY2012 prohibiting FY2012 funding assistance to countries owing **unpaid parking tickets and property taxes** in New York City and Washington D.C.

Landmines and Cluster Munitions (Section 7054)

- Within Section 7054(a).
 - Notwithstanding any other provisions of law, **demining equipment** available to DoS and USAID and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in countries
- Within Section 7054(b).
 - No military assistance shall be furnished for **cluster munitions**, DCS licenses for cluster munitions may be issued, and no cluster munitions or technology shall be sold or transferred unless:
 - The sub-munitions of the cluster munitions, after arming, do not result in more than one percent unexploded ordnance across the range of intended operational environments, and
 - The agreement applicable to the assistance, transfer, or sale of such munitions or technology will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

Programs to Promote Gender Equality (Section 7060)

- Programs funded under Title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring, and evaluations of such programs

Gender-Based Violence (Section 7061)

- FY2012 funds appropriated for, inter alia, ESF and INCLE shall be made available for gender-based violence prevention and response efforts.
- Programs and activities funded under Titles III and IV of this Act to train foreign police, judicial, and military personnel, including international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons.

Central Asia (Section 7063)

- The terms and conditions of Sections 7075 (a) through (d) and 7076(a) through (e), S/FOAA for FY2009, Division H, P.L.111-8, 11 Mar 2009, are to apply for FY2012.
- Section 7075(a)-(b), P.L.111-8, applies to assistance for **Kazakhstan** only after the Secretary of State determines and reports to the congressional appropriations committees of significant improvements in human rights, civil liberties, elections procedures, media freedom, freedom of religion, free assembly, and minority rights.
 - This prohibition may be waived with U.S. national security determination by the Secretary.
 - Section 7075(c)-(d), P.L.111-8, applies to a required report regarding the use of defense articles and services and financial assistance provided by the U.S. for units of the armed forces, border guards, or other security forces of countries in Central Asia to include **Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.**
- Section 7076(a)-(e), P.L.111-8, applies to the central government of **Uzbekistan** requiring the Secretary of State to determine and report to the congressional appropriations committees regarding meeting commitments under the Strategic Partnership and Cooperation Framework between the Republic of Uzbekistan and the U.S. before any U.S. assistance is provided.
 - This prohibition may be waived by the Secretary for six months periods through FY2013 if determined to be in the national security interest of the U.S. and is necessary in obtaining access to and from Afghanistan.
 - Also, if the Secretary has credible evidence that any current or former official of the government was responsible for the deliberate killings of civilians in Andijan in May 2005, or for other violations of international recognized human rights in Uzbekistan, the individual shall be ineligible for entry into the U.S.
 - The Secretary may waive this entry prohibition if it is determined that it is necessary for the individual to attend the UN, or to further U.S. law enforcement objectives.
 - U.S. assistance is to also include no provision of excess defense articles; however, the provision of E-IMET is now acceptable.

Extradition (Section 7068)

- Other than INCLE, NADR, Migration and Refugee Assistance, and Emergency Migration and Refugee Assistance; no funds in this Act may be used for assistance to the central government of a country which has notified the DoS of its refusal to extradite to the U.S.

any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer.

- The Secretary of State may waive this prohibition on a case-by-case basis once certified to the congressional appropriations committees that such a waiver is important to U.S. national interests.

Commercial Leasing of Defense Articles (Section 7069)

- Notwithstanding any other provision of law and subject to regular notification procedures of the congressional appropriations committees, FMFP funding may be used to finance **commercial leases** by Israel, Egypt, NATO and major non-NATO allies from U.S. commercial suppliers.
 - This may include leasing with an option to purchase.
 - Other than helicopters and other types of aircraft having possible civilian application, this may not include major defense equipment (MDE).
- The President must determine that there is a compelling foreign policy or national security reasons for such a lease.

Prohibition on First-Class Travel (Section 7073)

- No funds made available in this Act may be used for first-class travel by employees of agencies by this Act in contravention of 41 CFR 301-10.122 through 301-10.124.

Operating and Spend Plans (Section 7078)

- Not later than 30 days of enactment of this Act, each department, agency, or organization funded in Titles I through III of this Act, shall submit to the congressional appropriations committees an operating plan for the appropriated funds or funds otherwise available for obligation in FY2012. The plan is to provide details of the use of such funds at the program, project, and activity level.
- Prior to initial obligation of funds, the Secretary of State, in consultation with the Administrator of USAID, shall submit a detailed spend plan for the following:
 - Funds appropriated under Democracy Fund,
 - Funds made available in Titles III and IV of this Act for assistance for Iraq, Haiti, Colombia, and Mexico and for the Central American Regional Security Initiative and for the Caribbean Basin Security Initiative.
 - Funds made available for assistance for countries or programs and activities referenced in the following sections of this Act:
 - Section 7040 – Palestinian Authority.
 - Section 7041(a), (e), (f), and (i) – Egypt, Lebanon, Libya, and Yemen.
 - Section 7043(b) – Trans-Sahara Counter-Terrorism Partnership Program and Partnership for Regional East Africa Counterterrorism Program.
 - Section 7046(a) and (c) – Afghanistan and Pakistan.

- Funds appropriated in Title III for food security and agriculture development programs and for environment programs.
- The spend plans required by this section shall not be considered as meeting the notification requirements of Section 7015 of this Act or Section 634A, FAA.

Rescissions (Section 7079)

- Of the prior S/FOAAs, the following amounts are rescinded:
- \$13,700,000 from Diplomatic and Consular Programs, of which \$8,000,000 shall be from Worldwide Security Protection.
- \$400,000,000 from unexpended balances of Export and Investment Assistance, Export-Import Bank of the U.S., subsidy Appropriation.
- \$100,000,000 from unexpended balances of ESF.

Special Defense Acquisition Fund (SDAF) (Section 7080)

- \$100,000,000 from the FMS Administrative Fund authorized for obligation by Title IV, FMFP, of this Act pursuant to Section 21(e)(1)(A), AECA, may be transferred to the SDAF pursuant to Section 51, AECA.
- Not more than \$100,000,000 may be obligated pursuant to Section 51(c)(2), AECA, for the purposes of SDAF to remain available for obligation through FY2015.
- The provision of defense articles and services to countries or international organizations from SDAF shall be subject to the concurrence of the Secretary of State.

Limitations (Section 7086)

- No FY2012 ESF funding assistance may be made available to the **Palestinian Authority** if the Palestinians obtain, after enactment of this Act, the same standing as member states or full membership as a state in the UN or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians.
- The Secretary of State may waive this prohibition if certified to the congressional appropriations committees that to do so is in the U.S. national security interest and submits a report detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

Use of Funds in Contravention of this Act (Section 7087)

- If the Executive Branch makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant federal agency shall notify the congressional appropriations committees in writing within five days of such determination, the basis for such determination, and any resulting changes to program and policy.

Title VIII, Overseas Contingency Operations / Global War on Terrorism

- Table Nine provides the additional FY2012 appropriations made in support of requested Overseas Contingency Operations:

Table Nine
Overseas Contingency Operations (OCO) Appropriations

<u>Program</u>	<u>Funding</u>
Diplomatic and Consular Programs	\$4,389,064,000
Worldwide Security Protection (\$236,201,000)	
Avail for transfer for ops and assistance in Afghanistan (\$230,000,000)	
Conflict Stabilization Operations	8,500,000
Office of Inspector General	67,182,000
Iraq reconstruction oversight (\$19,545,000)	
Afghanistan reconstruction oversight (\$44,387,000)	
Educational and Cultural Exchange Programs	15,600,000
Embassy Security, Construction & Maintenance	33,000,000
Contributions to International Organizations	101,300,000
International Broadcasting Operations	4,400,000
U.S. Institute of Peace	8,411,000
USAID Operating Expenses	255,000,000
USAID Inspector General	4,500,000
International Disaster Assistance	150,000,000
Transition Initiatives	6,554,000
Complex Crises Fund	30,000,000
Economic Support Fund (ESF)	2,761,462,000
Migration and Refugee Assistance	229,000,000
International Affairs Tech Assistance	1,552,000
Int'l Narcotics Control & Law Enforcement (INCLE)	983,605,000
Nonprolif, A/T, Demining, & Related Programs (NADR)	120,657,000
Peacekeeping Operations (PKO)	81,000,000
Foreign Military Financing Program (FMFP)	1,102,000,000
Pak Counterinsurgency Capability Fund (PCCF)	850,000,000

General Provisions

Section 8001

- Notwithstanding any other provision of law, funds appropriated under this Title are in addition to amounts appropriated or otherwise made available in this Act for FY2012.

Section 8002

- Unless otherwise provided for in this Act, the additional amounts appropriated by this Title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

Section 8003

- Funds appropriated by this Title under the headings, inter alia, ESF, INCLE, NADR, PKO, FMFP, and PCCF, may be transferred to, and merged with, funds appropriated by this Title under such headings.
- Such transfers are subject to the regular notification procedures of the congressional appropriations committees.
- The transfer authority in this Section is in addition to any transfer authority otherwise available under any other provision of law, including Section 610, FAA.

Section 8004

- If authorized during FY2012, there shall be established in the U.S. Treasury the **Global Security Contingency Fund (GSCF)**.
 - The GSCF was later authorized by Section 1207, National Defense Authorization Act (NDAA), Fiscal Year 2012, P.L.112-81, 31 Dec 2011.
- Notwithstanding any provision of law, during FY2012, not to exceed \$50,000,000 from funds appropriated under INCLE, FMFP, and PCCF under Title VIII of this Act may be transferred to the GSCF.
 - This authority is to be implemented with the transfer of \$50,000,000 from the FY2012 INCLE, FMFP and PCCF appropriation.
 - Not later than 15 days prior to such transfer, the Secretary of State is notify the congressional appropriations committees to include the source of funds and a detailed justification, implementation plan, and timeline for each proposed project.

Department of Defense Appropriations Act, 2012, Division A, P.L.112-74, 23 December 2011

- The House Appropriations Committee (HAC) originally passed and reported out the DoD appropriations bill as HR2219 on 14 June 2011 with H.Rpt. 112-110, later to be passed by the House on 8 July 2011. The Senate Appropriations Committee (SAC) passed and reported out HR2219 on 15 September 2011 with S.Rpt.112-77. The Senate never took action on HR2219.
- Similar to the S/FOAA for FY2012, the final DoD appropriations bill was incorporated in HR2055, *Consolidated Appropriations Act, 2012*, as Division A, to be finally enacted on 23 Dec 11 as P.L.112-74.

Title II, Operation and Maintenance

Operation and Maintenance, Defense-Wide

- \$47,026,000 may be used for the **Combatant Commander Initiative Fund (CCIF)** authorized by 10 USC 166a.

Overseas Humanitarian, Disaster, and Civic Aid

- \$107,662,000 to remain available through FY2013 for expenses related to the **Overseas Humanitarian, Disaster, and Civic Aid (OHDCA)** programs provided under 10 USC 401, 402, 404, 407, 2557, and 2561.

Cooperative Threat Reduction Account

- \$508,219,000 to remain available through FY2014 for assistance to the republics of the former Soviet Union and, with appropriate authorization by DoD and DoS, to countries outside the former Soviet Union for the elimination, demilitarization, transportation, safe storage, and/or nonproliferation of nuclear, chemical, and other weapons and its components and technology.
 - \$13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines in the Russian Far East and North.

Title VI, Other Department of Defense Programs

Defense Health Program

- Of the total appropriation of \$32,482,059,000, an amount of \$8,000,000 shall be available for **HIV prevention educational activities** undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in **African nations**.

Drug Interdiction and Counter-Drug Activities, Defense

- \$1,209,620,000 for DoD drug interdiction and counter-drug activities.

Title VIII, General Provisions

Foreign National Employee Compensation (Section 8002)

- During FY2012, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the U.S. shall not apply to DoD personnel.
- Salary increases granted to direct and indirect hire DoD **foreign national employees** funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for DoD civilian employees whose pay is computed under the provisions of 5 U.S.C. 5332, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher.
- This Section shall not apply to DoD foreign service national employees serving at U.S. diplomatic missions whose pay is set by the Department of State under the *Foreign Service Act of 1980*.

- The limitations of this provision shall not apply to DoD foreign national employees in the **Republic of Turkey**.

Humanitarian and Civic Assistance (Section 8011)

- Within the funds appropriated for the operation and maintenance of the armed forces, funds are hereby appropriated pursuant to 10 U.S.C. 401 for **humanitarian and civic costs** under 10 U.S.C. Chapter 20. Such funds may also be obligated for humanitarian and civic costs incidental to authorized operations and pursuant to 10 U.S.C. 401. These obligations shall be reported as required by 10 U.S.C. 401(d).
- Funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the **Trust Territories of the Pacific Islands (TTPI) and freely associated states of Micronesia** pursuant to the Compact of Free Association authorized by P.L.99-239.
- When determined by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at army medical facilities located in Hawaii, the Secretary may authorize the provision of medical services at such facilities and transportation, on a non-reimbursable basis, for civilian patients from **American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam**.

Contributions from the Government of Kuwait (Section 8021)

- During FY2012, DoD is authorized to incur obligations not to exceed \$350,000,000 for purposes specified in 10 U.S.C. 2350j(c) in anticipation of receipt of contributions only from the government of **Kuwait**. Upon receipt of such contributions, the funding shall be credited to the appropriations or fund which incurred such obligations.

Congressional Defense Committees (Section 8025)

- For the purposes of this Act, congressional defense committees include the armed services committees of the House (HASC) and Senate (SASC) and the appropriations subcommittees for defense of the House (HAC-D) and Senate (SAC-D).

Assistance for the Democratic People's Republic of Korea (Section 8042)

- No funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the **Democratic People's Republic of Korea** unless specifically appropriated for that purpose.

Drug Interdiction or Counter-Drug Activities (Section 8045)

- No funds available to DoD for any fiscal year for **drug interdiction or counter-drug activities** may be transferred to any other U.S. department or agency except as specifically provided in an appropriations law.
- No funds available to the CIA for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other U.S. department or agency except as specifically provided in an appropriations law.

Defense Funding for the Transfer of Defense Articles or Services to another Country or International Organization (Section 8049)

- No FY2012 DoD funds may be obligated or expended to **transfer defense articles or services** (other than intelligence services) to another country or international

organization for below specified activities unless the defense and foreign relations committees are notified 15 days in advance of the transfer.

- The specified activities include any **international peacekeeping, peace-enforcement or humanitarian assistance operation**, or similar U.N. activities under an authority of the U.N. Security Council resolution or any other international peacekeeping, peace enforcement, or humanitarian assistance operation.
- This notification shall include a description of the transfer, value of the transfer, a statement whether the inventory requirements of all elements of the U.S. armed forces, including the reserve components, for the type of transfer have been met; and whether the items to be transferred will have to be replaced. If replacement is required, how does the President propose to provide the funds for such replacement.

F-22A Advanced Tactical Fighter (Section 8056)

- No FY2012 DoD funds may be used to approve or license the **sale of the F-22A** advanced tactical fighter to any foreign government.
- DoD may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. war fighting capabilities.

Procurement from Foreign Sources (Section 8057)

- The Secretary of Defense, on a case-by-case basis, may waive with respect to a foreign country each limitation on the procurement of **defense items from foreign sources** provided in law, if determined that the application of the limitation with respect to that country would invalidate cooperative programs entered into between DoD and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under 10 U.S.C. 2531, and the country does not discriminate against the same or similar defense items procured in the U.S. for that country. This Section applies with respect to:
 - Contracts and subcontracts entered into on or after enactment of this Act, and
 - Options for the procurement of items that are exercised after such enactment date under contracts that were entered into before such enactment if the option prices are adjusted for any reason other than the application of this waiver authority.
- This waiver authority does not exist for certain listed items.

Training with Foreign Security Force Units (Section 8058)

- No FY2012 DoD funds may be used to support any **training program involving a unit of the security forces** of a country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.
- The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any such training, full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

- After consultation with the Secretary of State, the Secretary of Defense may waive this prohibition if determined such waiver is required by extraordinary circumstances.
- Not more than 15 days after such waiver, the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, U.S. and foreign forces involved in the training, and the information relating to human violations that necessitated the waiver.

Israeli Cooperative Programs (Section 8071)

- \$235,700,000 of the FY2012 DoD funds appropriated under Research, Development, Test, and Evaluation, Defense-Wide shall be made available for the **Israeli Cooperative Program**.
 - \$110,525,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development
 - \$15,000,000 of this amount shall be for the production activities of the SRBMD in the U.S. and Israel
 - \$66,220,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture
 - \$58,955,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite
- These funds for the production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.
- This transfer authority is in addition to any other transfer authority in this Act.

Asia Pacific Regional Initiative Program (Section 8086)

- Up to \$15,000,000 in funding appropriated under Operation and Maintenance, Navy may be made available for the **Asia Pacific Regional Initiative (APRI) Program** for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance and payment of incremental and personnel costs of training and exercising with foreign security forces.
- This funding made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance, or combined exercise expenses.
- None of this funding may be obligated to provide assistance to a country that is otherwise prohibited from receiving such assistance under any other provision of law.

Global Security Contingency Fund (Section 8089)

- During FY2012, an amount not to exceed \$200,000,000 may be transferred from the Operation and Maintenance, Defense-Wide to the Department of State **Global Security Contingency Fund (GSCF)**
- No less than 30 days prior to making transfers to the DoS GSCF, the Secretary of Defense shall notify the defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

Non-Support of Military Training or Operations that include Child Soldiers (Section 8128)

- No funds made available by this Act for IMET, FMFP, EDA, assistance IAW Section 1206, P.L.109-163, issuance [of export licenses] for DCS of military equipment, or PKO for the countries of **Chad, Yemen, Somalia, Sudan, Democratic Republic of the Congo, and Burma** may be used to support any military training or operations that include child soldiers as defined by the *Child Soldiers Prevention Act of 2008*, Title IV, P.L.110-457, 23 Dec 2008.
- No waiver authority is provided.

Title IX, Overseas Contingency Operations, Operation and Maintenance

Operation and Maintenance, Defense-Wide

- An additional amount of \$9,252,211,000 for O&M, Defense-Wide
 - Of which not to exceed \$1,690,000,000 to remain available through FY2013 for payments to **reimburse key cooperating nations** for logistical, military, and other support, including access, provided to U.S. military operations in support of Operation Enduring Freedom, Operation New Dawn, and post-operation Iraq border security related to activities of the Office of Security Cooperation (OSC) in Iraq, all notwithstanding any other provision of law.
 - Such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget (OMB), may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the U.S. accounting officers, and 15 days following notification to the appropriate congressional committees.
 - These funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting U.S. military operations in **Afghanistan**.
 - A 15 day advance notification to the appropriate congressional committees must be provided with required quarterly usage reports of such authority.

Afghanistan Infrastructure Fund (AIF)

- \$400,000,000 to remain available through FY2013 for the **Afghanistan Infrastructure Fund (AIF)** to be available for infrastructure projects in Afghanistan to be undertaken by the Secretary of State, unless the Secretaries of State and Defense jointly decide that a specific project will be undertaken by DoD.
- Infrastructure projects are to be in support of the counterinsurgency strategy requiring funding for facility and infrastructure projects including, but not limited to, water, power, and transportation projects and related maintenance.
- The projects are to be jointly formulated and concurred in by the Secretaries of State and Defense.

- Funding may be transferred to DoS for such projects and considered to be economic assistance under the FAA. Any unexpended funding shall be transferred back to the AIF
 - The Secretary of Defense shall notify the appropriate congressional committees not less than 15 days prior to funds transfers to or from the AIF or obligations from the Fund. The appropriate committees are to include both armed services, appropriations, and foreign affairs committees.

Afghanistan Security Forces Fund (ASFF)

- \$11,200,000,000 to remain available through FY2013 available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command – Afghanistan, or the Secretary’s designee, to provide assistance with the concurrence of the Secretary State to the **security forces of Afghanistan**.
 - This assistance may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding.
 - This authority is in addition to any other authority to provide assistance to foreign nations.
 - Not fewer than 15 days prior to obligating from this appropriation, the Secretary of Defense shall notify the congressional defense committees of details of any such obligations.

Other Department of Defense Programs

Drug Interdiction and Counter-Drug Activities, Defense

- An additional \$456,458,000 to remain available through FY2013.

General Provision – This Title

AIF and ASFF Administrative Costs (Section 9003)

- Supervision and administration costs associated with a construction project funded with O & M appropriations available for the Afghanistan Infrastructure Fund (AIF) or the Afghanistan Security Forces Fund (ASFF) provided in this Act and executed in direct support of overseas contingency operations in Afghanistan may be obligated at the time a construction contract is awarded.
- For the purpose of this Section, supervision and administrative costs include all in-house government costs.

Commander’s Emergency Response Program (Section 9005)

- Not more than \$400,000,000 of Army O & M appropriated under this Title may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program (CERP) for enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements.
 - No project is to exceed \$20,000,000.
 - Any project exceeding anticipated cost for completion of \$5,000,000 is to be notified to the congressional defense committees not less than 15 days prior to making funding available.

Coalition Force Support (Section 9006)

- DoD O & M funds may be used, notwithstanding any other provisions of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical **support to coalition forces** supporting military and stability operations in Iraq and Afghanistan.

Afghanistan Resources Oversight Council (Section 9009)

- No funds provided for Afghanistan Security Forces Fund (ASFF) may be obligated prior to the approval of a financial and activity plan by the DoD Afghanistan Resources Oversight Council (AROC).
 - The AROC must approve the requirement and acquisition plan for any services requirements in excess of \$50,000,000 annually and any non-standard equipment requirements in excess of \$100,000,000 using ASFF.
- The AROC must approve all projects and the execution plan under the Afghanistan Infrastructure (AIF) and any project in excess of \$5,000,000 from the Commander's Emergency Response Program (CERP).
- DoD must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance of this Section and an accompanying report language for the ASFF, AIF, and CERP.
- The AROC was established by the Deputy Secretary of Defense on 3 August 2011 to oversee the use of CERP, AIF, and ASFF within DoD at a senior level. The initial plan is for the AROC to meet quarterly with working groups meeting on a weekly basis to oversee ongoing planning, execution, and oversight of Afghanistan reconstruction resources. The major reference is a joint statement by the Principal Deputy Under Secretary of Defense for AT&L and the Director for Logistics, Joint Staff, before the SASC, subcommittee on Readiness and Management, on 19 October 2011, Subj: "Transforming Wartime Contracting Recommendations of the Commission on Wartime Contracting."

Task Force for Business and Stability Operations (Section 9012)

- Notwithstanding any other provision of law, up to \$150,000,000 in Title IX, O & M, Army for Overseas Contingency Operations, may be obligated and expended for purposes of the **Task Force for Business and Stability Operations** subject to the direction and control of the Secretary of Defense, with the concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom.
- Not less than 15 days before making funds available pursuant to this Section for any project with a total anticipated cost of \$5,000,000 or more, the Secretary shall submit a written notice to the congressional defense committees containing a detailed justification and timeline for each proposed project.

Office of Security Cooperation – Iraq (Section 9013)

- Notwithstanding any other provision of law, up to \$524,000,000 in Title IX, O & M, Air Force for Overseas Contingency Operations, may be used by the Secretary of Defense to support U.S. government transition activities in Iraq by funding the operations and

activities of the **Office of Security Cooperation (OSC) in Iraq** and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction.

Reduced Appropriations (Section 9014)

- Reflecting reduced troop strength in theater, \$4,042,500,000 is reduced within Title IX (Overseas Contingency Operations) of this Act. The reduction shall be applied to the military personnel and operation and maintenance (O & M) appropriations.

National Defense Authorization Act (NDAA), Fiscal Year 2012, P.L.1121-81, 31 December 2011

- HR1540 was introduced in the House on 14 Apr 2011 to be later reported out of the HASC on 17 May 11 with H.Rpt. 112-78. A supplemental report was filed by the HASC on 23 May 11 as H.Rpt. 112-78, Part II. The House almost immediately passed the bill on 26 May 11.
- S981 was introduced in the Senate on 12 May 11 but it never was reported out of the SASC. A follow-on S1867 was introduced and reported out of the SASC on 15 Nov 11 without a report. S1867 was incorporated into H1540 as an amendment and passed by the Senate on 1 Dec 11. A conference was held and reported out on 12 Dec 11 with H.Rpt. 112-329. The conference report was agreed upon by the House on 14 Dec 11 and the Senate on 15 Dec 11.
- HR1540 was enacted on 31 Dec 2011 as P.L.112-81 with Division A being the Department of Defense authorization for FY2012.

Division A – Department of Defense Authorizations

Title I – Procurement

Subtitle E – Joint and Multiservice Matters

Limitation on Availability of Funds for Aviation Foreign Internal Defense Program (Section 142)

- Of the funds authorized to be appropriated by this Act or otherwise made available for FY2012 for the procurement of fixed-wing non-standard aviation aircraft in support of the **aviation foreign internal defense program**, not more than fifty percent may be obligated or expended until the date that is thirty days after the date on which the Commander, U.S. Special Operation Command submits a report not later than 15 March 2012 to the congressional defense committees to include:
 - Overall description of the program, including its goals and proposed metrics of performance success,
 - Analysis of alternatives and efficiencies reviews for contracts awarded,

- Assessment of advantages and disadvantages of procuring new aircraft, procuring used aircraft, or leasing aircraft,
- Comprehensive strategy outlining and justifying the overall projected growth of aviation foreign national program to satisfy the increased requirements of the GCCs, and
- Examination of efficiencies that could be gained by procuring platforms such as those being procured for light mobility aircraft.

Authority for Exchange with the United Kingdom of specified F-35 Lightning II Joint Strike Fighter Aircraft (Section 147)

- Authorizes the exchange, to include title, of one U.S. **F-35** carrier variant acquired by the U.S. for the USMC for one F-35 short-take off and vertical landing configuration being acquired on behalf of the United Kingdom.

Title V – Military Personnel Policy

Subtitle B – Reserve Component Management

Leadership of National Guard Bureau (Section 511)

- Amends 10 USC 10502(d) so that the **Chief of the National Guard Bureau** shall be appointed to the grade of general.

Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff (Section 512)

- Amends 10 USC 151(a) with a new paragraph (7) adding the Chief of the National Guard Bureau as a member of the **Joint Chiefs of Staff**.

Title IX – Department of Defense Organization and Management

Subtitle A – Department of Defense Management

Qualifications for Appointments to the Position of Deputy Secretary of Defense (Section 902)

- Amends 10 USC 132(a) so that the **Deputy Secretary of Defense** shall be appointed from among persons mostly highly qualified for the position by reason of background and experience, including persons with appropriate management experience.

Memoranda of Agreement on Identification and Dedication of Enabling Capabilities of General Purpose Forces to fulfill certain Requirements of Special Operations Forces (Section 904)

- By not later than 180 days of enactment of this Act, and annually thereafter, each secretary of a military department shall enter into a memorandum of agreement with the Commander, USSOCOM, that identifies or establishes processes and associated milestones by which numbers and types of **enabling capabilities of general purpose forces** under the jurisdiction of such secretary can be identified and dedicated to fulfill the training and operational requirements of special operations forces under USSOCOM.

Title X – General Provisions

Subtitle B – Counter-Drug Activities

Extension of Authority for Joint Task Forces to provide Support to Law Enforcement Agencies conducting Counter-Terrorism (Section 1004)

- Amends Section 1022(b), NDAA for FY2004, as amended, P.L.108-136, 24 November 2003, extending the authority through FY2012 for a joint DoD task force to provide **support to law enforcement agencies** conducting counter-terrorism activities. Any such support is only to be provided in the geographic area of responsibility of the joint task force.

Three-Year Extension and Modification of Authority of Department of Defense to provide Additional Support for Counterdrug Activities of Other Governmental Agencies (Section 1005)

- Amends Section 1004, NDAA, FY1991, as amended, P.L.101-510, 5 Nov 1990, allowing DoD to provide support for counterdrug activities by other government agencies through FY2014.
- Also amends Section 1004 allowing such support to Indian tribal law enforcement agencies.

Two-Year Extension and Expansion of Authority to Provide Additional Support for Counter-Drug Activities of Certain Foreign Governments (Section 1006)

- Amends Section 1033, NDAA, FY1998, as amended, P.L.105-85. 18 Nov 1997, allowing DoD to provide additional counter-drug support for up to \$100,000,000 annually through FY2013.
- Also amends Section 1033 to include the following thirteen additional governments:

Benin	Ivory Coast	Nicaragua
Cape Verde	Jamaica	Nigeria
The Gambia	Liberia	Sierra Leone
Ghana	Mauritania	Togo
Guinea		

Extension of Authority to Support Unified Counter-Drug and Counterterrorism Campaign in Colombia (Section 1007)

- Amends Section 1021, NDAA, FY2005, as amended, P.L.108-375, 28 Oct 2004, allowing DoD support of the counternarcotics and counterterrorism campaign in **Colombia** through FY2012.

Subtitle I – Miscellaneous Authorities and Limitations

Authority for Assignment of Civilian Employees of the Department of Defense as Advisors to Foreign Ministries of Defense (Section 1081)

- Authorizes the Secretary of Defense, with the concurrence of the Secretary of State, to assign DoD civilian employees as **advisors to foreign country ministries of defense** or security agencies serving in a similar defense function in order to:
 - Provide institutional, ministerial-level of advice, and other training to personnel of the ministry to which assigned in support of stabilization or post-conflict activities, or
 - Assist such ministry in building core institutional capacity, competencies, and capabilities to manage defense-related processes.
- This authority expires at the end of FY2014
 - However, the assignment of such U.S. employees may continue after FY2014 using funds available for FYs 2012-14.

Use of State Partnership Program Funds for Certain Purposes (Section 1085)

- Subject to Section 1210, NDAA, FY2010, P.L.111-84, 28 Oct 2009, of the funds made available to the National Guard, the Secretary of Defense may use up to \$3,000,000 to pay for travel and per diem costs associated with the participation of U.S. and foreign civilian and non-defense agency personnel in conducting activities under the **State Partnership Program (SPP)** of the National Guard.

Subtitle J – Other Matters

Expansion of Scope of Humanitarian Demining Assistance Program to include Stockpiled Conventional Munitions Assistance (Section 1092)

- Amends 10 U.S.C. 407 to also include assistance in the **clearance of stockpiled conventional munitions** in addition to demining assistance.
- The term “stockpiled conventional munitions assistance” as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

Title XII – Matters relating to Foreign Nations

Subtitle A – Assistance and Training

Commanders’ Emergency Response Program (CERP) in Afghanistan (Section 1201)

- Authorizes the use of up to \$400,000,000 in funds made available during FY2012 for DoD Operations and Maintenance for CERP in Afghanistan.
 - Any one project is not to exceed \$20,000,000
 - The Secretary of Defense is to notify the congressional defense committees fifteen days prior to obligation of any project that is to exceed \$5,000,000.

Three-Year Extension of Temporary Authority to use Acquisition and Cross-Servicing Agreements to lend Military Equipment for Personnel Protection and Survivability (Section 1202)

- Amends Section 1202, NDAA, FY2007, as amended, P.L.109-364, 17 Oct 2006, extending the authority to **no-cost loan certain significant military equipment** for up to one year using the Acquisition and Cross-Servicing Agreement (ACSA) to now expire at the end of FY2014.
- Additionally amends Section 1202 to only include loans to coalition forces participating in operations in Afghanistan.

Extension and Expansion of Authority for Support of Special Operations to combat Terrorism (Section 1203)

- Amends Section 1208, NDAA, FY2005, as amended, P.L.108-375, 28 Oct 2004, authorizing the provision of support to foreign forces, irregular forces, groups, or individuals engaging in supporting or facilitating ongoing U.S. special forces operations to combat terrorism to now an annual value of \$50,000,000 to expire now at the end of FY2015.

Modification and Extension of authorities relating to Program to Build the Capacity of foreign Military Forces (Section 1204)

- Amends Section 1206, NDAA, FY2006, as amended, P.L.109-163, 6 Jan 2006, authorizing up to \$350,000,000 annually in equipment, supplies, and training assistance through now FY2013 to building the capacity of a country's national military force to conduct counterterrorism operations or to participate in or to support military and stability operations in which U.S. armed forces are a participant. Also used to build the capacity of a foreign country's maritime security forces to conduct counterterrorism.

Two-Year Extension of Authorization for Non-Conventional Assisted Recovery Capabilities (Section 1205)

- Amends Section 943, NDAA, FY2009, P.L.110-417, 14 Oct 2008, authorizing the annual use of up to \$20,000,000 in DoD-wide Operations and Maintenance funding for support to foreign forces, irregular forces, groups, or individuals to facilitate the recovery of DoD/USCG military or civilian personnel or other personnel who become separate or isolated during U.S. military operations and cannot rejoin their units without such assistance.
 - The recipient entities are to also include those conducting activities relating to operational preparation of the environment.
 - This authority is extended through now FY2013.

Support of Foreign Forces Participating in Operations to Disarm the Lord's Resistance Army (LRA) (Section 1206)

- Authorizes the Secretary of Defense, with the concurrence of the Secretary of State, to provide up to \$35,000,000 in logistics support, supplies and services annually during FYs 2012 and 2013 for foreign forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army to include to:
 - The national military forces of Uganda, or
 - The national military forces of any other country determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in such operations.
- No U.S. armed services personnel, civilian employees, or civilian contractor personnel may participate in combat operations except in self-defense, or in the rescue of any U.S. citizen.
- The Secretary of Defense may not use this authority to provide any type of support other is otherwise prohibited by any provision of law.
 - Likewise, the Secretary may not use this authority to provide support for the national military forces of a country determined to be eligible for such support until the Secretary notifies the appropriate congressional committees of the eligibility of the country for such support.
 - The meaning of logistics support, supplies, and services in this authority is that as defined by 10 U.S.C. 2350(1) which generally includes only non-lethal services, logistics support, and part parts but specifically not military equipment designated as significant military equipment (SME) IAW Section 38(a), AECA.

Global Security Contingency Fund (GSCF) (Section 1207)

- Authorizes the establishment of this account in the U.S. Treasury.
- Notwithstanding any other provision of law (other than Sections 620A [no support of international terrorism] and new 620M [Leahy vetting], FAA), this fund shall be available to either the Secretary of Defense or the Secretary of State to provide assistance to countries designated by the Secretary of State, with the concurrence of the Secretary of Defense, for the following purposes:
 - Security Programs: To enhance the capabilities of a country's national military forces, and other national security forces that conduct border and maritime security, internal defense, and counterterrorism operations, as well as the government agencies responsible for such forces to:
 - Conduct border and maritime security, internal defense, and counterterrorism operations, and

- Participate in or support military, stability, or peace support operations consistent with U.S. foreign policy and national security interests.
- Justice Sector and Stabilization Programs: For the justice sector to include law enforcement and prisons, rule of law programs, and stabilization efforts in a country in cases which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers for such assistance.
- Assistance for Security Programs may include the provision of equipment, supplies, and training.
 - These programs shall be jointly formulated by the Secretaries of State and Defense with such programs to be carried out to be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.
- The Secretary of State, in consultation with the Secretary of Defense, shall formulate the Justice Sector and Stabilization Programs with such programs to be carried out to be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.
- The contribution of the Secretary of State to an activity under this authority shall not be less than 20 percent of the total amount for such activity while the contribution of the Secretary of Defense to such activity shall not be more than 80 percent of the total amount required.
 - Section 8004, S/FOAA, 2012, Division I, P.L.112-74, 23 Dec 2011, authorizes the Secretary of State to use up to \$50,000,000 in FY2012 INCLE, FMFP, and PCCF to be transferred to GSCF during FY2012.
- DoD appropriations for O & M- Defense-wide may be transferred to the GSCF with the amount in any one year not to exceed \$200,000,000.
 - Section 8089, DoD Appropriations Act, 2012, Division A, P.L.112-74, 23 Dec 2011, provides for this transfer during FY2012.
- GSCF funds shall remain available through FY2015 except that amounts appropriated or transferred to the fund before 30 Sep 2015 shall remain available for obligation and expenditure after this date for activities under programs commenced before this date.
- Personnel from other U.S. agencies may be detailed, with or without reimbursement, to the Department of State to carry out the GSCF program.
- Specified congressional committees are to be notified 15 days prior to any transfer of funds or initiating any GSCF assistance program.
- Likewise, the Secretary of State, with the concurrence of the Secretary of Defense, shall notify specified congressional committees 15 days after the date on which all necessary

guidance has been issued and processes for implementation of this GSCF authority are established and fully operational.

- Section 1207(n) of this Act provides a **GSCF Transitional Authority** for the Secretary of Defense, with the concurrence of the Secretary State, to provide equipment, supplies, and training plus minor military construction assistance only during FY2012 until the GSCF program is determined and reported by the Secretary of State being operational as follows, to enhance the:
 - Capacity of the national military forces, security agencies serving in a similar defense function, and border security forces of **Djibouti, Ethiopia, and Kenya** to conduct counterterrorism operations against al-Qaeda, its affiliates, and al-Shabaab.
 - Capacity of national military forces participating in the **African Union Mission in Somalia** to conduct counterterrorism operations against al-Qaeda, its affiliates, and al-Shabaab,
 - This assistance for Djibouti, Ethiopia, Kenya and the African Union Mission participants may not exceed \$75,000,000 during FY2012.
 - Ability of the **Yemen Ministry of Interior** Counter Terrorism forces to conduct counterterrorism operations against the al-Qaeda and its affiliates in the Arabian Peninsula.
 - This assistance for the Yemen Ministry of Interior may not exceed \$75,000,000 during FY2012.
 - This Transitional Authority and the Section 1206, NDAA, FY2006, as amended, may not be used for **Yemen** until 30 days after the Secretaries of State and Defense jointly certify in writing to the specified congressional committees that the use of such authority is important to the U.S. national security interests to include (1) the reasons for the certification, (2) justification for such assistance, and (3) acknowledgement that the government of Yemen as assured to both secretaries that any provided assistance will be used in a manner consistent with such authority.
- The specified congressional committees include both armed services committees, both foreign relations committees, and both appropriations committees.

Subtitle B – Matters relating to Iraq, Afghanistan, and Pakistan

Extension and Modification of Logistical Support for Coalition Forces Supporting Operations in Iraq and Afghanistan (Section 1211)

- Amends Section 1234, NDAA, FY2008, as amended, P.L.110-181, 28 Jan 2008, authorizing up to now \$450,000,000 through FY2012 in U.S.-provided **logistics support to coalition partner** countries in Afghanistan and Iraq.

One-Year Extension of Authority to Transfer Defense Articles and Provide Defense Services to the Military and Security Forces of Iraq and Afghanistan (Section 1212)

- Amends Section 1234, NDAA, FY2010, as amended, P.L.111-84, 28 Oct 2009, extending the authority to transfer excess U.S. defense articles located in Kuwait and Iraq as 28 Dec 2008 to the governments of Iraq or Afghanistan not later than now 31 December 2012.

One-Year Extension of Authority for Reimbursement of Certain Coalition Nations for Support Provided to U.S. Military Operations (Section 1213)

- Amends Section 1233, NDAA, FY2008, as amended, P.L.110-181, 28 Jan 2008, authorizing reimbursement to **coalition countries** during FY2012 for overseas contingency operations. Also increases the value of reimbursement to \$1,690,000,000 with the reimbursement specifically to **Pakistan** extending through FY2013.

Authority to Support Operations and Activities of the Office of Security Cooperation in Iraq (Section 1215)

- Authorizes the Secretary of Defense to support USG transition activities in Iraq by providing funds for operations and activities of the **Office of Security Cooperation in Iraq** and also of security assistance teams in Iraq.
- The funding is not to exceed \$524,000,000 in FY2012 with funds coming from the FY2012 Air Force Operations and Maintenance account.
 - Section 9013, DoD Appropriations Act, 2012, Division A, P.L.112-74, 23 Dec 2011, provides for the use of up to \$524,000,000 in FY2012 Air Force, O & M, for the Office of Security Cooperation in Iraq.
- The President is to ensure that FMS sale offers after enactment of this Act includes, consistent with Section 21, AECA, charges sufficient to recover the costs of O & M and activities of security assistance teams in Iraq in connection with such sale.

One-Year Extension of Authority to use Funds for Reintegration Activities in Afghanistan (Section 1216)

- Amends Section 1216, NDAA, FY2011, P.L.111-383, 7 Jan 2011, extending the authority for the Secretary of Defense annual use of \$50,000,000 in O & M through 31 Dec 2012 to support the **reintegration of former terrorists** into Afghanistan society.
- Later Section 1219 of this Act prohibits not more than 50 percent of FY2012 funding for this program may be used until the Secretary of Defense, in consultation with the Secretary of State, determines and certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the government of Afghanistan and the Taliban.

Authority to Establish a Program to Develop and Carry Out Infrastructure Projects in Afghanistan (Section 1217)

- Amends Section 1217, NDAA, FY2011, P.L.11-383, 7 Jan 2011, authorizing the use of \$400,000,000 in DoD FY2011 O & M through now FY2012 for the **Afghanistan Infrastructure Fund (AIF)**.
- In the case of new DoD funds for the program during FY2012, the funds are to remain available through FY2013.
 - Title IX, DoD Appropriations Act, 2012, Division A, P.L.112-74, 23 Dec 2011, provides an additional \$400,000,000 in FY2012 funding for the AIF.

Limitation on Availability of Amounts for Reintegration Activities in Afghanistan (Section 1219)

- Prohibits the use of 50 percent of FY2012 funding for the previous Section 1216 reintegration of former terrorists into Afghanistan society until the Secretary of Defense, in consultation with the Secretary of State, determines and certifies to Congress that **women in Afghanistan** are an integral part of the reconciliation process between the government of Afghanistan and the Taliban.

Extension and Modification of Pakistan Counterinsurgency Fund (PCF) (Section 1220)

- Amends Section 1224, NDAA, FY2010, as amended, P.L.111-84, 28 Oct 2009, authorizing the use of DoD funds within the **Pakistan Counterinsurgency Fund (PCF)** through FY2012.
- However, not more than 40 percent of such funds may be obligated or expended until the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees a report on a strategy to use the funds with metrics used to determine progress with respect to the fund, and a strategy to enhance Pakistani efforts to counter improvised explosive devices.
 - For this report, the appropriate congressional committees include the foreign relations and armed services of both houses.
 - This report is to be updated and submitted annually at the same time as the annual budget submission.

Title XIII—Cooperative Threat Reduction

Funding Allocations (Section 1302)

- Of the \$508,210,000 in funding authorized to be appropriated for FY2012 DoD funding, the following may be obligated for the **Cooperative Threat Reduction** purposes specified:
 - \$63,221,000 for strategic offensive arms elimination,
 - \$9,804,000 for chemical weapons destruction,
 - \$121,143,000 for global nuclear security,
 - \$259,470,000 for cooperative biological engagement,

- \$28,080,000 for proliferation prevention,
- \$2,500,000 for threat reduction engagement, and
- \$24,001,000 for activities designated as Other Assessments.

Limitation on Use of Funds for Establishment of Centers of Excellence in Countries Outside of the Former Soviet Union (Section 1304)

- Not more than \$500,000 of FY2012 Cooperative Threat Reduction funds may be obligated or expended to establish a **center of excellence** in a country that is not a state of the former Soviet Union, until 15 days after the Secretary of Defense submits to the congressional defense committees a report that includes:
 - Identification of the country in which the center will be located.
 - Description of the purpose for which the center will be established.
 - The agreement under which the center will operate.
 - A funding plan for the center to include:
 - The amount of funds to be provided by the government of the country in which the center will be located, and
 - The percentage of the total cost of establishing and operating the center in which the host government will provide.

Title XV—Authorization of Additional Appropriations for Overseas Contingency Operations

Subtitle A—Authorization of Additional Appropriations

Drug Interdiction and Counter-Drug Activities, Defense-Wide (Section 1508)

- Funds are hereby authorized to be appropriated for the DoD for FY2012 for expenses, not otherwise provided for, for **Drug Interdiction and Counter-Drug Activities, Defense-Wide**.

Subtitle C—Limitations and Other Matters

Availability of funds in Afghanistan Security Forces Fund (Section 1533)

- Funds available to the DoD for the **Afghanistan Security Forces Fund (ASFF)** for FY2012 shall be subject to the conditions contained in Sections 1513(b) through (g), NDAA, FY2008, P.L.110-181, 28 Jan 2008, as amended by Section 1531(b), NDAA, FY2011, P.L.111-383, 7 Jan 2011.
- Assistance provided using the ASFF may include literacy instruction and training to build the logistical, management, and administrative capacity of military and civilian personnel of the Ministry of Defense and Ministry of Interior, including through instruction at training facilities of the **NATO mission in Afghanistan**.

Division B—Military Construction Authorizations

- Entitled as *Military Construction Authorization for Fiscal Year 2012*, did not include any material of significant security cooperation interest.

Division C—Department of Energy National Security Authorizations and Other Authorizations

- Did not include any material of significant security cooperation interest.

Division D—Funding Tables

- Includes funding tables specifying dollar amounts authorized for a project, program, or activity. The obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

Title XLI—Procurement

- Section 4101 – Procurement
- Section 4102 – Procurement for Overseas Contingency Operations

Title XLII—Research, Development, Test, and Evaluation

- Section 4201 – Research, Development, Test, and Evaluation
- Section 4202 – Research, Development, Test, and Evaluation for Overseas Contingency Operations

Title XLIII—Operation and Maintenance

- Section 4301 – Operation and Maintenance
- Section 4302 – Operation and Maintenance for Overseas Contingency Operations

Title XLIV—Military Personnel

- Section 4401 – Military Personnel
- Section 4402 – Military Personnel for Overseas Contingency Operations

Title XLV—Other Authorizations

- Section 4501 – Other authorizations
- Section 4502 – Other Authorizations for Overseas Contingency Operations

Title XLVI—Military Construction

- Section 4601 – Military Construction

Title XLVII—Department of Energy National Security Programs

- Section 4701 -- Department of Energy National Security Programs

Division E—SBIR and STTR Reauthorization

- *Entitled SBIR/STTR Reauthorization Act of 2011.* Did not include any material of significant security cooperation interest.
 - SBIR is Small Business Innovation Research.
 - STTR is Small Business Technology Transfer Research.

Conclusion

This article for FY2012 included a summary of three pieces of legislation that impacted U.S. international programs especially those of security assistance and security cooperation. Any funding allocations were taken from the State Department provided congressional budget

justifications for FY 2013 which included country and program funding levels for FY2011 and FY2012. Both the S/FOAA and the DoD appropriations act incorporated the use of Overseas Contingency Operation (OCO) to fund global counterterrorism operations, and operations and assistance in Southwest Asia.

The S/FOAA funding for FY2012 security assistance remained at a high level to be extended into FY2013 at a similar level. The congressional requirement for pre-consultation, determinations, certifications and reporting remain ever presentation especially with the congressional appropriations committees. The three significant items in the FY2012 S/FOAA were the authorized use of FMFP funding for security forces, the funding and reestablishment of the special defense acquisition fund (SDAF), and redesignating the “Limitation on Assistance to Security Forces” to now Section 620M, FAA .

DoD appropriations for FY2012 likewise continued at a high level but with no additional funding for the Iraq Security Forces Fund (ISFF). However, \$524,000,000 in Air Force O&M is identified to support the operations and activities of the new Office of Security Cooperation in Iraq.

The NDAA for FY2012 extended and funded most security cooperation programs into FY2012 or beyond. The Act also established three new temporary programs:

- Support of forces participating in operations to disarm the Lord’s Resistance Army (LRA).
- The joint DoD/DoS managed and funded Global Security Contingency Fund (GSCF) to also include a FY2012 transitional program until GSCF is determined operational.
- Provision for the assignment of DoD civilians to duties as advisors to foreign country ministries of defense.

About the Author

Ken Martin has been at DISAM for over twenty years as an associate professor for the management of security assistance. In addition to teaching, his duties include being the legislation and policy functional manager and a contributing author for the annually republished DISAM “green textbook,” *The Management of Security Assistance*. He is a retired U.S. Navy surface warfare officer. His education includes an undergraduate degree in the field of economics from the Illinois Institute of Technology in Chicago and a masters degree in administration from Central Michigan University.