



H. R. 2055

One Hundred Twelfth Congress
of the
United States of America

AT THE FIRST SESSION

*Began and held at the City of Washington on Wednesday,
the fifth day of January, two thousand and eleven*

An Act

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
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DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

- Title I—Military Personnel
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- Title I—Department of the Treasury
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DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

- Title I—Departmental management and operations

Act, Section 562(c) of Public Law 101-513, as amended (22 U.S.C. 2901 et seq.), is further amended by adding at the end thereof the following new paragraph:

“(12) CAPITAL INCREASE.—

“(A) SUBSCRIPTION AUTHORIZED.—

“(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

“(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

“(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to \$1,252,331,952 for payment by the Secretary of the Treasury.”

REFORMS RELATED TO GENERAL CAPITAL INCREASES

SEC. 7082. (a) REFORMS.—Funds appropriated by this Act may not be disbursed for a United States contribution to the general capital increases of the International Bank for Reconstruction and Development (World Bank), the African Development Bank (AfDB), or the Inter-American Development Bank (IDB) until the Secretary of the Treasury reports to the Committees on Appropriations that such institution, as appropriate, is making substantial progress toward the following—

(1) implementing specific reform commitments agreed to by the World Bank and the AfDB as described in the Pittsburgh Leaders' Statement issued at the Pittsburgh G20 Summit in September 2009 concerning sound finances, effective management and governance, transparency and accountability, focus on core mission, and results;

(2) implementing specific reform commitments agreed to by the IDB in Resolution AG-7/10 “Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank” as approved by the Governors on July 12, 2010, including transfers of at least \$200,000,000 annually to a grant facility for Haiti;

(3) implementing procurement guidelines that maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for borrowers;

(4) implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation;

(5) requiring that each candidate for budget support or development policy loans provide an assessment of reforms needed to budgetary and procurement processes to encourage

transparency, including budget publication and public scrutiny, prior to loan approval;

(6) making publicly available external and internal performance and financial audits of such institution's projects on the institution's Web site;

(7) adopting policies concerning the World Bank's proposed Program for Results (P4R) to: limit P4R to no more than 5 percent of annual World Bank lending as a pilot for a period of not less than two years; require that projects with potentially significant adverse social or environmental impacts and projects that affect indigenous peoples are either excluded from P4R or subject to the World Bank's own policies; require that at the close of the pilot there will be a thorough, independent evaluation, with input from civil society and the private sector, to provide guidance concerning next steps for the pilot; and fully staff the World Bank Group's Integrity Vice Presidency, with agreement from Borrowers on the World Bank's jurisdiction and authority to investigate allegations of fraud and corruption in any of the World Bank's lending programs including P4R; and

(8) concerning the World Bank, strengthening the public availability of information regarding International Finance Corporation (IFC) subprojects when the IFC is funding a financial intermediary, including—

(A) requiring that higher-risk subprojects comply with the relevant Performance Standard requirements; and

(B) agreeing to periodically disclose on the IFC Web site a listing of the name, location, and sector of high-risk subprojects supported by IFC investments through private equity funds.

(b) **REPORT.**—Not later than 180 days after enactment of this Act and every 6 months thereafter until September 30, 2013, the Secretary of the Treasury shall submit to the Committees on Appropriations a report detailing the extent to which each institution has continued to make progress on each policy goal listed in subsection (a).

AUTHORITY FOR REPLENISHMENTS

SEC. 7083. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86-565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

“SEC. 26. SIXTEENTH REPLENISHMENT.

“(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$4,075,500,000 for payment by the Secretary of the Treasury.

“SEC. 27. MULTILATERAL DEBT RELIEF.

“(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$474,000,000 to

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7047. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter I of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 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, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS

SEC. 7049. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) Of the funds appropriated under title I and under the heading "International Organizations and Programs" in title V of this Act that are available for contributions to any United Nations agency or to the Organization of American States, 15 percent shall be withheld from obligation for such agency or organization if the Secretary of State determines and reports to the Committees on Appropriations that the agency or organization is not taking steps to—

(A) publish on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of the agency or organization, and provide the United States Government with necessary access to such financial and performance audits; and

(B) implement best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

(2) The Secretary may waive the restriction in this subsection if the Secretary determines and reports that to do so is in the national interest of the United States.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) None of the funds made available under title I of this Act may be used by the Secretary of State as a contribution to any organization, agency, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) The Secretary of State may waive the restrictions in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—Funds appropriated by this Act may be made available for voluntary contributions or payment of United States assessments in support of the United Nations Human Rights Council if the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is in the national interest of the United States: *Provided*, That the Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2012, on the resolutions considered in the United Nations Human Rights Council.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111-32, House Report 111-151) under the heading "Migration and Refugee Assistance" in title XI shall apply to funds made available by this Act under such heading.

(e) UNITED NATIONS CAPITAL MASTER PLAN.—None of the funds made available in this Act for the United Nations Capital Master Plan may be used for the design, renovation, or construction of the United Nations Headquarters in New York in excess of the United States payment for the assessment agreed upon pursuant to paragraph 10 of United Nations General Assembly Resolution 61/251.

(f) REPORTING REQUIREMENT.—Not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriation detailing the amount of funds available for obligation or expenditure in fiscal year 2012 under the headings "Contributions to International Organizations" and "International Organizations and Programs" that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of

action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b)(1) Of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

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

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

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INTERNATIONAL MONETARY FUND

SEC. 7071. (a) The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of division F of Public Law 111-117 shall apply to this Act.

(b) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(c) The Secretary of the Treasury shall seek to ensure that the IMF is implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7072. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation:

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

(2) is honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7073. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

DISABILITY PROGRAMS

SEC. 7074. Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, and shall also be made available to support disability advocacy organizations to provide training and technical assistance for disabled persons organizations in such countries: *Provided*, That of the funds made available by this section, up to 7 percent may be for management, oversight, and technical support.