

112TH CONGRESS  
2D SESSION

# H. R. 6067

To enhance the security of the Western Hemisphere and bolster regional capacity and cooperation to counter current and emerging threats, to promote cooperation in the Western Hemisphere to prevent the proliferation of nuclear, chemical, and biological weapons, to secure universal adherence to agreements regarding nuclear nonproliferation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2012

Ms. ROS-LEHTINEN (for herself, Mr. McKEON, Mr. CHABOT, Mr. MACK, Mr. BURTON of Indiana, Mr. RIVERA, Mr. DIAZ-BALART, Mr. McCAUL, Mrs. SCHMIDT, Mr. DUNCAN of South Carolina, Mr. TURNER of New York, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance the security of the Western Hemisphere and bolster regional capacity and cooperation to counter current and emerging threats, to promote cooperation in the Western Hemisphere to prevent the proliferation of nuclear, chemical, and biological weapons, to secure universal adherence to agreements regarding nuclear nonproliferation, and for other purposes.

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

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Western Hemisphere Security Cooperation Act of 2012”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

**TITLE I—COUNTERTERRORISM IN THE WESTERN HEMISPHERE**

Sec. 101. Findings.

Sec. 102. Statement of policy relating to Iran, Hezbollah, and other foreign terrorist organizations.

Sec. 103. Statement of policy relating to certain international agreements.

Sec. 104. Notifications relating to travel by Cuban Government officials within or to the United States.

Sec. 105. Preventing oil benefits, land expropriation, and terrorism expansion.

Sec. 106. Amendments to annual country reports on terrorism.

Sec. 107. Amendments to international drug control certification procedures.

Sec. 108. Amendment to international narcotics control strategy report.

Sec. 109. International Law Enforcement Academy in San Salvador, El Salvador.

Sec. 110. United States efforts in the Western Hemisphere.

Sec. 111. Amendments to the Department of State Rewards Program.

Sec. 112. Establishment of a Western Hemisphere Regional Coordination Center.

Sec. 113. Transfer of funds to the Central American Regional Security Initiative.

Sec. 114. Administration of security assistance programs for Central American countries.

Sec. 115. Restriction on assistance for the Guatemalan Army.

**TITLE II—NONPROLIFERATION OF NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS IN THE WESTERN HEMISPHERE**

Sec. 201. Findings.

Sec. 202. Statement of policy regarding the proliferation of weapons-related nuclear, chemical, and biological materials, technology, and facilities.

Sec. 203. Statement of policy regarding the small quantities protocol.

Sec. 204. Securing adherence to agreements regarding nuclear nonproliferation by countries in the Western Hemisphere.

Sec. 205. Halting the proliferation of nuclear fuel fabrication.

Sec. 206. Cooperation with the Proliferation Security Initiative.

Sec. 207. Establishment of the Western Hemisphere Nonproliferation Partnership Initiative.

Sec. 208. Foreign policy controls.

Sec. 209. Limitation on arms transfers.

Sec. 210. Restrictions on nuclear cooperation with countries assisting the nuclear program of Venezuela or Cuba.

### TITLE III—ORGANIZATION OF AMERICAN STATES

Sec. 301. Actions regarding the Organization of American States.

### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Prohibitions on engagement with certain Western Hemisphere countries.

Sec. 402. Report.

## 1 **SEC. 2. DEFINITIONS.**

2 Except as otherwise provided, in this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—The term “appropriate congressional com-  
5 mittees” means—

6 (A) the Committee on Foreign Affairs; and

7 (B) the Committee on Foreign Relations.

8 (2) NONHUMANITARIAN ASSISTANCE.—The  
9 term “nonhumanitarian assistance” means—

10 (A) any assistance under the Foreign As-  
11 sistance Act of 1961 (including programs under  
12 title IV of chapter 2 of part I of such Act, re-  
13 lating to the Overseas Private Investment Cor-  
14 poration), other than—

15 (i) disaster relief assistance, including  
16 any assistance under chapter 9 of part I of  
17 such Act;

1 (ii) assistance which involves the pro-  
2 vision of food (including monetization of  
3 food) or medicine; and

4 (iii) assistance for refugees;

5 (B) sales, or financing on any terms, under  
6 the Arms Export Control Act; and

7 (C) financing under the Export-Import  
8 Bank Act of 1945.

9 (3) STATE SPONSOR OF TERRORISM.—The term  
10 “state sponsor of terrorism” means a country the  
11 government of which has been determined by the  
12 Secretary of State, for purposes of section 6(j) of  
13 the Export Administration Act of 1979 (as contin-  
14 ued in effect under the International Emergency  
15 Economic Powers Act), section 620A of the Foreign  
16 Assistance Act of 1961, section 40 of the Arms Ex-  
17 port Control Act, or any other provision of law, is  
18 a government that has repeatedly provided support  
19 for acts of international terrorism.

20 **TITLE I—COUNTERTERRORISM**  
21 **IN THE WESTERN HEMISPHERE**

22 **SEC. 101. FINDINGS.**

23 Congress finds the following:

24 (1) In 2004, a Lebanese individual, having en-  
25 tered the United States illegally from Mexico, was

1 charged with supporting Hezbollah financially and  
2 was described by the United States Attorney as a  
3 “fighter, recruiter and fundraiser”.

4 (2) In December 2006, the Department of the  
5 Treasury designated nine individuals and two enti-  
6 ties as part of a network that is “a major financial  
7 artery to Hezbollah in Lebanon” and announced an  
8 effort to target Hezbollah fundraising in the tri-bor-  
9 der area of Brazil, Argentina, and Paraguay.

10 (3) In 2007, the Chavez regime established rou-  
11 tine civilian airline flights between Venezuela and  
12 designated State Sponsors of Terrorism, Iran, and  
13 Syria.

14 (4) In November 2007, Interpol’s General As-  
15 sembly agreed to issue red capture notices for the  
16 arrest of a Hezbollah leader and five former senior  
17 Iranian officials charged by Argentina in the 1994  
18 Argentine Mutual Jewish Association (AMIA) ter-  
19 rorist attack, in which 85 innocent people were killed  
20 and 300 more were wounded.

21 (5) In February 2008, Director of National In-  
22 telligence Mike McConnell reported to Congress in  
23 his presentation of the Intelligence Community’s An-  
24 nual Threat Assessment that the governments of Ec-  
25 uador, Nicaragua, and Bolivia, “to varying degrees,

1 have engaged in sharply anti-U.S. rhetoric, aligned  
2 with Venezuela and Cuba—and increasingly Iran—  
3 on international issues, and advocated measures that  
4 directly clash with U.S. initiatives”.

5 (6) In February 2008, a United States Federal  
6 law-enforcement official shared, “We’ve known for  
7 some time that Islamic extremists groups were gain-  
8 ing momentum and exploiting the region . . . Iran  
9 is no exception—now with Cuba and Venezuela, the  
10 door is open.”.

11 (7) Venezuela has concluded nearly 200 bilat-  
12 eral agreements with Iran on military cooperation,  
13 the sharing of intelligence, expanding financial co-  
14 operation, and initiating cultural exchanges, among  
15 others.

16 (8) According to United States intelligence offi-  
17 cials, Iran possesses the potential to use its close re-  
18 lationship with Venezuela to facilitate the smuggling  
19 of people, drugs, and weapons into the Western  
20 Hemisphere through terrorist proxy groups.

21 (9) In March 2008, the Colombian army led a  
22 raid against the Revolutionary Armed Forces of Co-  
23 lombia and seized computers containing documents  
24 that suggest evidence of \$300,000,000 in payments  
25 to the extremist organization from the Venezuelan

1 Government, high-level contacts by the FARC with  
2 officials from Ecuador and Venezuela, and efforts by  
3 the FARC to obtain 50 kilograms of uranium.

4 (10) In June 2008, the Department of the  
5 Treasury designated two Venezuela-based supporters  
6 of Hezbollah, Ghazi Nasr al Din and Fawzi Kan'an,  
7 along with two travel agencies owned and controlled  
8 by Kan'an, explaining it is "extremely troubling to  
9 see the Government of Venezuela employing and  
10 providing safe harbor to Hezbollah facilitators and  
11 fundraisers".

12 (11) In October 2008, the Department of the  
13 Treasury designated Banco Internacional de  
14 Desarrollo, C.A., a financial institution located in  
15 Venezuela, to be owned or controlled by or acting or  
16 purporting to act for or on behalf of, directly or in-  
17 directly, the Export Development Bank of Iran  
18 (EDBI). EDBI was designated for its role in help-  
19 ing Iran violate United Nations sanctions and han-  
20 dle its illicit transactions.

21 (12) In May 2010, for the fifth year in a row,  
22 the Department of State determined, pursuant to  
23 section 40A of the Arms Export Control Act, that  
24 Venezuela was not cooperating fully with United  
25 States antiterrorism efforts.

1           (13) In February 2011, the Department of the  
2       Treasury identified the Lebanese Canadian Bank as  
3       a financial institution of “primarily money laun-  
4       dering concern” under section 311 of the USA PA-  
5       TRIOT Act, for its role in facilitating the money  
6       laundering activities of an international narcotics  
7       trafficking network with ties to Hezbollah. This net-  
8       work is involved in moving illicit drugs and money  
9       laundering from South America to Europe and the  
10      Middle East through West Africa.

11          (14) In April 2011, General Douglas Fraser,  
12      General of U.S. Southern Command, testified before  
13      Congress that there are “growing opportunities for  
14      military-to-military connections” between Iran and  
15      Venezuela and that there are “flights between Iran  
16      and Venezuela on a weekly basis and visas are not  
17      required for entrance into Venezuela or Bolivia or  
18      Nicaragua”.

19          (15) In October 2011, the Drug Enforcement  
20      Administration and the Federal Bureau of Investiga-  
21      tion charged two individuals for suspected participa-  
22      tion in an Iranian Qods Force plot to murder the  
23      Saudi Arabian Ambassador on United States soil.

24          (16) In December 2011, Univision aired a docu-  
25      mentary titled The Iranian Threat that exposed a



1 plan to launch a cyber attack against the United  
2 States Government and nuclear facilities involving  
3 Iran, Cuba, and Venezuela.

4 (17) In January 2012, the Venezuelan Consul  
5 General in Miami, was declared persona non grata  
6 by the Department of State for her participation in  
7 a cyber attack and was expelled from the United  
8 States.

9 (18) A 2012 Drug Enforcement Administration  
10 report identified 38 percent of the organizations on  
11 the Foreign Terrorist Organizations list as having  
12 possible ties to the drug trade, underscoring the fact  
13 that the fight against terrorism must also include a  
14 corresponding fight against illicit drugs.

15 (19) In January 2012, Director of National In-  
16 telligence James R. Clapper reported to Congress in  
17 his presentation of the Intelligence Community's An-  
18 nual Threat Assessment that "some Iranian officials  
19 have changed their calculus and are now willing to  
20 conduct an attack in the United States".

21 (20) In January 2012, Henry Rangel Silva be-  
22 came the Defense Minister of Venezuela. The De-  
23 partment of Treasury had previously designated  
24 Silva a "drug kingpin" in 2008 due to his involve-

1       ment with the Revolutionary Armed Forces of Co-  
2       lombia.

3               (21) In March 2012, General Douglas Fraser,  
4       General of U.S. Southern Command, testified before  
5       Congress that “connections with Hezbollah and  
6        Hamas who have been in the region for a number  
7       of years primarily still focused on supporting, con-  
8       ducting illicit activity to provide funding support and  
9       logistic support back to parent organizations within  
10      the Middle East”.

11              (22) The Inter-American Convention Against  
12      Terrorism of the Organization of American States  
13      (OAS) commits all State parties to establish domes-  
14      tic regulatory institutions that eradicate the financ-  
15      ing of terrorist offenses, cooperate with fellow sig-  
16      natories to control borders, provide mutual legal as-  
17      sistance in counterterrorism efforts and prosecution  
18      of terrorist offenses, and conform to all other stipu-  
19      lations of the convention designed to prevent, pun-  
20      ish, and eliminate terrorist offenses.

21              (23) The countries within the Western Hemi-  
22      sphere that have ratified the Inter-American Con-  
23      vention Against Terrorism of the OAS are Antigua  
24      & Barbuda, Argentina, Brazil, Canada, Chile, Co-  
25      lombia, Costa Rica, Dominica, the Dominican Re-

1 public, Ecuador, El Salvador, Grenada, Guatemala,  
2 Guyana, Honduras, Mexico, Nicaragua, Panama,  
3 Paraguay, Peru, Trinidad & Tobago, the United  
4 States, Uruguay, and Venezuela.

5 **SEC. 102. STATEMENT OF POLICY RELATING TO IRAN,**  
6 **HEZBOLLAH, AND OTHER FOREIGN TER-**  
7 **RORIST ORGANIZATIONS.**

8 It shall be the policy of the United States to—

9 (1) undertake a whole-of-government approach  
10 to deny Iran, or its proxies such as Hezbollah, or  
11 any other foreign terrorist organization, agent, or in-  
12 strumentality of either, the resources to engage in  
13 activities that—

14 (A) threaten United States national secu-  
15 rity, its interests, and its allies;

16 (B) provide safe haven within the terri-  
17 tories and boundaries of countries within the  
18 Western Hemisphere; and

19 (C) provide financial support in order to  
20 carry out illicit activities around the globe; and

21 (2) deter foreign investments and cooperation  
22 of countries within the Western Hemisphere that  
23 would enhance the ability of Iran, or any agent or  
24 instrumentality thereof, to develop nuclear, biologi-  
25 cal, or chemical weapons.

1 **SEC. 103. STATEMENT OF POLICY RELATING TO CERTAIN**  
2 **INTERNATIONAL AGREEMENTS.**

3 To enhance the security of the Western Hemisphere  
4 and bolster regional capacity to counter terrorism, it shall  
5 be the policy of the United States to promote the signing,  
6 ratification, and implementation by all countries in the  
7 Western Hemisphere of the following:

8 (1) OAS AG/RES. 1840 (XXXII-O/02) Inter-  
9 American Convention Against Terrorism.

10 (2) Financial Action Task Force (FATF) 40  
11 Recommendations on Money Laundering (ML) and  
12 9 Special Recommendations (SR) on Terrorist Fi-  
13 nancing (TF).

14 (3) The 1963 ICAO Convention on Offences  
15 and Certain Other Acts Committed on Board Air-  
16 craft.

17 (4) The 1970 ICAO Convention for the Sup-  
18 pression of Unlawful Seizure of Aircraft.

19 (5) The 1971 ICAO Convention for the Sup-  
20 pression of Unlawful Acts Against the Safety of Civil  
21 Aviation.

22 (6) The 1973 United Nations Convention on  
23 the Prevention and Punishment of Crimes Against  
24 Internationally Protected Person, including Diplo-  
25 matic Agents.

1           (7) The 1979 United Nations International  
2 Convention Against the Taking of Hostages.

3           (8) The 1988 ICAO Protocol for the Suppres-  
4 sion of Unlawful Acts of Violence at Airports Serv-  
5 ing International Civil Aviation, Supplementary to  
6 the Convention for the Suppression of Unlawful Acts  
7 Against the Safety of Civil Aviation.

8           (9) The 1988 IMO Convention for the Suppres-  
9 sion of Unlawful Acts against the Safety of Mari-  
10 time Navigation.

11          (10) The 1988 IMO Protocol for the Suppres-  
12 sion of Unlawful Acts against the Safety of Fixed  
13 Platforms Located on the Continental Shelf.

14          (11) The 1991 ICAO Convention on the Mark-  
15 ing of Plastic Explosives for the Purpose of Detec-  
16 tion.

17          (12) The 1997 United Nations International  
18 Convention for the Suppression of Terrorist Bomb-  
19 ings.

20          (13) The 1999 United Nations International  
21 Convention for the Suppression of the Financing of  
22 Terrorism.

23          (14) The 2001 United Nations S/Res/1373 Cre-  
24 ation of Counter Terrorism Committee (CTC).

1           (15) The 2005 United Nations S/Res/1624 Pro-  
2       hibition of incitement to commit terrorist act or  
3       acts.

4           (16) The 2010 ICAO Convention for the Sup-  
5       pression of Unlawful Acts Relating to International  
6       Civil Aviation.

7       **SEC. 104. NOTIFICATIONS RELATING TO TRAVEL BY CUBAN**  
8                       **GOVERNMENT OFFICIALS WITHIN OR TO THE**  
9                       **UNITED STATES.**

10       (a) TRAVEL WITHIN UNITED STATES.—The Sec-  
11       retary of State shall notify the appropriate congressional  
12       committees not less than 15 days prior to granting ap-  
13       proval for travel by any Cuban official assigned to the  
14       Cuban Interests Section in Washington, DC or the Cuban  
15       United Nations Missions in New York, New York outside  
16       a 25-mile radius of the Cuban Interests Section in Wash-  
17       ington, DC or the Cuban United Nations Missions in New  
18       York, New York, respectively.

19       (b) TRAVEL TO THE UNITED STATES.—The Sec-  
20       retary of State shall notify the appropriate congressional  
21       committees not less than 15 days prior to issuing a visa  
22       for travel of any Cuban Government official to the United  
23       States

1 (c) MATTERS TO BE INCLUDED.—Each notification  
2 required under subsection (a) and (b) shall include the fol-  
3 lowing:

4 (1) The name and rank of the Cuban official  
5 for which the travel is approved.

6 (2) The expected dates, destination, and pur-  
7 pose of the travel.

8 (3) A separate certification that the travel does  
9 not pose a threat to United States interests and pol-  
10 icy priorities and the travel has been approved by  
11 the Director of the Federal Bureau of Investigation,  
12 the Assistant Secretary of State for Diplomatic Se-  
13 curity, and the head of any other relevant depart-  
14 ment or agency. The certification may be provided in  
15 a classified annex to the notification if applicable.

16 **SEC. 105. PREVENTING OIL BENEFITS, LAND EXPROPRIA-**  
17 **TION, AND TERRORISM EXPANSION.**

18 (a) STATEMENT OF POLICY.—It shall be the policy  
19 of the United States to—

20 (1) undertake the necessary measures to deny  
21 the Government of Cuba, the Cuban Communist  
22 Party, or any agent or instrumentality of either, the  
23 financial resources to engage in activities that  
24 threaten—

1 (A) United States national security, its in-  
2 terests, and its allies;

3 (B) Florida's marine environment, includ-  
4 ing the most extensive living coral reef system  
5 in North American waters and the third largest  
6 in the world;

7 (C) the environment and natural resources  
8 of the submerged lands located off Cuba's  
9 coast; and

10 (D) to prolong the dictatorship that op-  
11 presses the Cuban people; and

12 (2) deter foreign investments that would en-  
13 hance the ability of the Government of Cuba, or any  
14 agent or instrumentality thereof, to develop its pe-  
15 troleum resources.

16 (b) EXCLUSION FROM THE UNITED STATES OF  
17 ALIENS WHO CONTRIBUTE TO THE ABILITY OF CUBA TO  
18 DEVELOP PETROLEUM RESOURCES LOCATED OFF  
19 CUBA'S COAST.—

20 (1) IN GENERAL.—The Cuban Liberty and  
21 Democratic Solidarity (LIBERTAD) Act of 1996  
22 (22 U.S.C. 6021 et seq.) is amended by inserting  
23 after section 401 the following:



1 **“SEC. 402. EXCLUSION FROM THE UNITED STATES OF**  
2 **ALIENS WHO CONTRIBUTE TO THE ABILITY**  
3 **OF CUBA TO DEVELOP PETROLEUM RE-**  
4 **SOURCES LOCATED OFF CUBA’S COAST.**

5 “(a) IN GENERAL.—The Secretary of State shall  
6 deny a visa to, and the Secretary of Homeland Security  
7 shall exclude from the United States, any alien who the  
8 Secretary of State determines is a person who—

9 “(1) is an officer or principal of an entity, or  
10 a shareholder who owns a controlling interest in an  
11 entity, that, on or after the date of the enactment  
12 of the Western Hemisphere Security Cooperation  
13 Act of 2012, has made or makes an investment that  
14 equals or exceeds \$1,000,000 (or any combination of  
15 investments that in the aggregate equals or exceeds  
16 \$1,000,000 in any 12-month period), that contrib-  
17 utes to the enhancement of the ability of the Govern-  
18 ment of Cuba, or any agent or instrumentality there-  
19 of, to develop petroleum resources of the submerged  
20 lands located off Cuba’s coast; or

21 “(2) is a spouse, minor child, or agent of a per-  
22 son described in paragraph (1).

23 “(b) WAIVER.—The Secretary of State may waive the  
24 application of subsection (a) if the Secretary certifies and  
25 reports to the appropriate congressional committees, on a

1 case-by-case basis, that the admission to the United States  
2 of a person described in subsection (a)—

3 “(1) is necessary for critical medical reasons or  
4 for purposes of litigation of an action under title III  
5 of this Act; or

6 “(2) is appropriate if the requirements of sec-  
7 tions 204, 205, and 206 of this Act have been satis-  
8 fied.

9 “(c) DEFINITIONS.—In this subsection:

10 “(1) AGENT AND INSTRUMENTALITY.—The  
11 terms ‘agent’ and ‘instrumentality’ shall include the  
12 Cuban Communist Party.

13 “(2) DEVELOP.—The term ‘develop’, with re-  
14 spect to petroleum resources, means the exploration  
15 for, or the extraction, refining, or transportation by  
16 pipeline or other means of, petroleum resources.

17 “(3) INVESTMENT.—The term ‘investment’  
18 means any of the following activities if such activity  
19 is undertaken pursuant to an agreement, or pursu-  
20 ant to the exercise of rights under such an agree-  
21 ment, that was or is entered into with the Govern-  
22 ment of Cuba (or any agency or instrumentality  
23 thereof) or a nongovernmental entity in Cuba, on or  
24 after the date of the enactment of the Western  
25 Hemisphere Security Cooperation Act of 2012:

1           “(A) The entry into a contract that in-  
2           cludes responsibility for the development of pe-  
3           troleum resources of the submerged lands lo-  
4           cated off Cuba’s coast, or the entry into a con-  
5           tract providing for the general supervision and  
6           guarantee of another person’s performance of  
7           such a contract.

8           “(B) The purchase of a share of owner-  
9           ship, including an equity interest, in such devel-  
10          opment.

11          “(C) The entry into a contract providing  
12          for the participation in royalties, earnings, or  
13          profits in such development, without regard to  
14          the form of the participation.

15          “(D) The entry into, performance, or fi-  
16          nancing of a contract to sell or purchase goods,  
17          services, or technology related to such develop-  
18          ment.

19          “(4) PETROLEUM RESOURCES.—The term ‘pe-  
20          troleum resources’ includes petroleum and natural  
21          gas resources, petroleum by products, and liquified  
22          natural gas.”.

23          (2) CLERICAL AMENDMENT.—The table of con-  
24          tents for the Cuban Liberty and Democratic Soli-  
25          darity (LIBERTAD) Act of 1996 is amended by in-

1       serting after the item relating to section 401 the fol-  
2       lowing:

“Sec. 402. Exclusion from the United States of aliens who contribute to the  
ability of Cuba to develop petroleum resources located off  
Cuba’s coast.”.

3               (3) EFFECTIVE DATE.—The amendments made  
4       by this subsection shall apply to aliens seeking ad-  
5       mission to the United States on or after the date of  
6       the enactment of this Act.

7       (c) IMPOSITION OF SANCTIONS AND PROHIBITION ON  
8       FACILITATION OF DEVELOPMENT OF CUBA’S PETRO-  
9       LEUM RESOURCES.—

10           (1) IN GENERAL.—If the President determines  
11       that a person has, on or after the date of the enact-  
12       ment of this Act, made an investment that equals or  
13       exceeds \$1,000,000 (or any combination of invest-  
14       ments that in the aggregate equals or exceeds  
15       \$1,000,000 in any 12-month period) that contrib-  
16       utes to the enhancement of the ability of the Govern-  
17       ment of Cuba, or any agent or instrumentality there-  
18       of, to develop petroleum resources of the submerged  
19       lands located off Cuba’s coast, or has made an in-  
20       vestment of any amount of money that contributes  
21       to such an enhancement and has trafficked in con-  
22       fiscated United States property, the President shall  
23       impose two or more of the following sanctions:

1 (A) PROHIBITION ON LOANS AND GUARAN-  
2 TEES.—Prohibit the issuance by the Overseas  
3 Private Investment Corporation, the Export-Im-  
4 port Bank of the United States, or any other  
5 United States instrument of any loan, guar-  
6 antee, insurance, extension of credit, or partici-  
7 pation in the extension of credit in connection  
8 with the export of any goods or services to any  
9 sanctioned person.

10 (B) EXPORT SANCTION.—Prohibit the  
11 issuance by the United States Government of  
12 any specific license and or other specific permis-  
13 sion or authority to export any goods or tech-  
14 nology to a sanctioned person under—

15 (i) the Export Administration Act of  
16 1979 (as continued in effect under the  
17 International Emergency Economic Powers  
18 Act);

19 (ii) the Arms Export Control Act;

20 (iii) the Atomic Energy Act of 1954;

21 or

22 (iv) any other statute that requires  
23 the prior review and approval of the  
24 United States Government as a condition

1 for the export or reexport of goods or serv-  
2 ices.

3 (C) PROHIBITIONS ON FINANCIAL INSTITU-  
4 TIONS.—The following prohibitions may be im-  
5 posed against a sanctioned person that is a fi-  
6 nancial institution:

7 (i) PROHIBITION ON DESIGNATION AS  
8 PRIMARY DEALER.—Prohibit the Board of  
9 Governors of the Federal Reserve System  
10 and the Federal Reserve Bank of New  
11 York from designating, or permitting the  
12 continuation of any prior designation of,  
13 such financial institution as a primary  
14 dealer in United States Government debt  
15 instruments.

16 (ii) PROHIBITION ON SERVICE AS A  
17 REPOSITORY OF GOVERNMENT FUNDS.—  
18 Prohibit such financial institution from  
19 serving as agent of the United States Gov-  
20 ernment or serving as repository for  
21 United States Government funds.

22 The imposition of either sanction under sub-  
23 paragraph (A) or (B) shall be treated as one  
24 sanction for purposes of this section, and the

1           imposition of both such sanctions shall be treat-  
2           ed as two sanctions for purposes of this section.

3           (D) PROCUREMENT SANCTION.—Prohibit  
4           the United States Government from procuring,  
5           or entering into any contract for the procure-  
6           ment of, any goods or services from a sanc-  
7           tioned person.

8           (2) TERMINATION OF SANCTIONS.—Sanctions  
9           imposed pursuant to paragraph (1) shall terminate  
10          if the President determines and certifies to the ap-  
11          propriate congressional committees that the require-  
12          ments of sections 204, 205, and 206 of the Cuban  
13          Liberty and Democratic Solidarity (LIBERTAD)  
14          Act of 1996 (22 U.S.C. 6064, 6065, and 6066) have  
15          been satisfied.

16          (3) PROHIBITION ON FACILITATION BY UNITED  
17          STATES PERSONS OF CUBA’S ABILITY TO DEVELOP  
18          PETROLEUM RESOURCES.—It shall be unlawful for  
19          any United States person to provide materials, tech-  
20          nical equipment, or other assistance that contributes  
21          to the enhancement of Cuba’s ability to develop pe-  
22          troleum resources of the submerged lands located off  
23          Cuba’s coast.

24          (4) REPORTS BY SECRETARY OF STATE.—For  
25          each of the fiscal years 2013, 2014, and 2015, the

1 Secretary of State shall submit to the Committee on  
2 Foreign Affairs and the Committee on Appropria-  
3 tions of the House of Representatives and the Com-  
4 mittee on Foreign Relations and the Committee on  
5 Appropriations of the Senate a report relating to—

6 (A) investments that equal or exceed  
7 \$1,000,000 (or any combination of investments  
8 that in the aggregate equals or exceeds  
9 \$1,000,000 in any 12-month period) that con-  
10 tribute to the enhancement of the ability of the  
11 Government of Cuba, or any agent or instru-  
12 mentality thereof, to develop petroleum re-  
13 sources of the submerged lands located off  
14 Cuba's coast, including information relating to  
15 the values of such investments, the identity of  
16 the persons making such investments, and pro-  
17 posed investments that would satisfy such cri-  
18 teria, and information relating to any sanctions  
19 that have been imposed pursuant to subsection  
20 (a) as a result of such investments; and

21 (B) investments of any amount of money,  
22 in conjunction with trafficking in confiscated  
23 United States property, that contribute to such  
24 an enhancement, including information relating  
25 to the values of such investments, the identity



1 of the persons making such investments, and  
2 the identity of such confiscated property, and  
3 information relating to any sanctions that have  
4 been imposed pursuant to paragraph (1) as a  
5 result of such investments.

6 (5) ASSESSMENTS OF ENVIRONMENTAL IM-  
7 PACTS OF DEVELOPMENT OF CUBA'S PETROLEUM  
8 RESOURCES.—

9 (A) IN GENERAL.—Not later than one year  
10 after the date of the enactment of this Act, and  
11 annually thereafter, the Secretary of State, in  
12 consultation with the Secretary of the Interior  
13 and the Administrator of the Environmental  
14 Protection Agency, shall submit to the Com-  
15 mittee on Foreign Affairs and the Committee  
16 on Natural Resources of the House of Rep-  
17 resentatives and the Committee on Foreign Re-  
18 lations and the Committee on Energy and Nat-  
19 ural Resources of the Senate a report con-  
20 taining an assessment of the impact that the  
21 development of Cuba's petroleum resources has  
22 had on the environment and natural resources  
23 of the submerged lands located off Cuba's coast  
24 and Florida's marine environment.

1           (B) USE OF ENVIRONMENTAL IMPACT  
2           STATEMENTS.—In preparing the assessment,  
3           the Secretary of State shall use as a model en-  
4           vironmental impact statements prepared pursu-  
5           ant to the National Environmental Policy Act  
6           of 1969 (42 U.S.C. 4321 et seq.).

7           (6) DEFINITIONS.—In this subsection—

8           (A) the terms “appropriate congressional  
9           committees”, “confiscated”, “person”, “prop-  
10          erty”, and “traffics” have the meaning given  
11          such terms in section 4 of the Cuban Liberty  
12          and Democratic Solidarity (LIBERTAD) Act of  
13          1996 (22 U.S.C. 6023), except that the term  
14          “person” shall also include, for purposes of this  
15          subsection, a foreign subsidiary of a person and  
16          United States subsidiary of a foreign person;

17          (B) the terms “develop”, “investment”,  
18          and “petroleum resources” have the meaning  
19          given such terms in section 402(c) of such Act,  
20          as added by subsection (b) of this section; and

21          (C) the terms “agent” and “instrumen-  
22          tality” shall include the Cuban Communist  
23          Party.

1 **SEC. 106. AMENDMENTS TO ANNUAL COUNTRY REPORTS**  
2 **ON TERRORISM.**

3 (a) IN GENERAL.—Section 140(b) of the Foreign Re-  
4 lations Authorization Act, Fiscal Years 1988 and 1989  
5 (22 U.S.C. 2656f(b)) is amended—

6 (1) in paragraph (4)(D), by striking “and” at  
7 the end;

8 (2) in paragraph (5), by striking the period at  
9 the end and inserting a semicolon;

10 (3) by redesignating the second paragraph (3)  
11 and the second paragraph (4) as paragraphs (6) and  
12 (7), respectively;

13 (4) in paragraph (6), as so redesignated, by  
14 striking “and” at the end;

15 (5) in paragraph (7), as so redesignated, by  
16 striking the period at the end and inserting a semi-  
17 colon; and

18 (6) by adding after such paragraph (7) the fol-  
19 lowing new paragraphs:

20 “(8) a comprehensive assessment of all United  
21 States assistance available to combat terrorism in  
22 each country that is a subject of such report; and

23 “(9) with respect to countries in the Western  
24 Hemisphere that are the subjects of such report, the  
25 level in each such country of threat posed by radical  
26 Islamist terrorism.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
 2 this subsection shall apply with respect to each report re-  
 3 quired to be transmitted to Congress under section 140  
 4 of the Foreign Relations Authorization Act, Fiscal Years  
 5 1988 and 1989 on or after the date of the enactment of  
 6 this Act

7 **SEC. 107. AMENDMENTS TO INTERNATIONAL DRUG CON-**  
 8 **TROL CERTIFICATION PROCEDURES.**

9 Section 706 of the Foreign Relations Authorization  
 10 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.  
 11 2291j–1) is amended—

12 (1) in paragraph (2)—

13 (A) in subparagraph (A)(ii); by striking  
 14 “and” at the end;

15 (B) by redesignating subparagraph (B) as  
 16 subparagraph (C);

17 (C) by inserting after subparagraph (A)  
 18 the following new subparagraph:

19 “(B) designate each country, if any, identi-  
 20 fied in such report in which a link has been de-  
 21 termined to exist between illicit drug trafficking  
 22 organizations and a designated foreign terrorist  
 23 organization and that has failed demonstrably,  
 24 during the previous 12 months, to make sub-  
 25 stantial efforts—

1 “(i) to adhere to its obligations under  
2 international counterterrorism agreements;  
3 and

4 “(ii) to implement effective counter-  
5 terrorism measures, including action on  
6 such issues as the rule of law, denying safe  
7 haven to terrorists, financing and money  
8 laundering, and law enforcement; and”;  
9 and

10 (D) in subparagraph (C), as so redesign-  
11 nated, by inserting before the period at the end  
12 the following: “under subparagraph (A) or  
13 (B)”;

14 (2) in paragraph (3)—

15 (A) in subparagraph (A), by striking “or”  
16 at the end;

17 (B) in subparagraph (B)(ii), by striking  
18 the period at the end and inserting “; or”; and

19 (C) by adding at the end the following new  
20 subparagraph:

21 “(C) subsequent to the designation being  
22 made under paragraph (2)(B), the country has  
23 made substantial efforts—

1 “(i) to adhere to its obligations under  
2 international counterterrorism agreements;  
3 and

4 “(ii) to implement effective counter-  
5 terrorism measures, including action on  
6 such issues as the rule of law, denying safe  
7 haven to terrorists, financing and money  
8 laundering, and law enforcement.”;

9 (3) by redesignating paragraph (8) as para-  
10 graph (9); and

11 (4) by inserting after paragraph (7) the fol-  
12 lowing new paragraph:

13 “(8) BILATERAL AGREEMENTS.—If a country  
14 designated under subparagraphs (A) and (B) of  
15 paragraph (2) does not receive a determination  
16 under subparagraphs (B) or (C) of paragraph (3),  
17 the Secretary of State shall negotiate with such  
18 country a bilateral agreement describing actions to  
19 be taken by the United States and such country to  
20 satisfy such determinations during the one year pe-  
21 riod following such a designation. Such a bilateral  
22 agreement should include a needs assessment, a bi-  
23 lateral action plan, the provision of United States  
24 training and assistance, the use of International

1 Law Enforcement Academy facilities in the region,  
 2 and an exchange of model laws and best practices.”.

3 **SEC. 108. AMENDMENT TO INTERNATIONAL NARCOTICS**  
 4 **CONTROL STRATEGY REPORT.**

5 Section 489(a) of the Foreign Assistance Act of 1961  
 6 (22 U.S.C. 2291h(a)) is amended by adding at the end  
 7 the following new paragraph:

8 “(9) A separate section that contains informa-  
 9 tion relating to any links between drug trafficking  
 10 organizations, or money laundering and terrorists,  
 11 terrorist acts, or designated foreign terrorist organi-  
 12 zations (as such term is used in section 219 of the  
 13 Immigration and Nationality Act (8 U.S.C. 1189)),  
 14 and any actions taken by the United States Govern-  
 15 ment or foreign government to address such links.”.

16 **SEC. 109. INTERNATIONAL LAW ENFORCEMENT ACADEMY**  
 17 **IN SAN SALVADOR, EL SALVADOR.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-  
 19 gress that the International Law Enforcement Academy  
 20 (ILEA) in San Salvador, El Salvador, should continue to  
 21 serve as a critical component of United States regional  
 22 counterterrorism efforts.

23 (b) NEGOTIATION.—The Secretary of State shall co-  
 24 ordinate with the heads of other appropriate United States  
 25 Government agencies to ensure that counterterrorism, in-

cluding radical Islamist extremism within the Western Hemisphere, nonproliferation, prison reform, prison fire safety, prison corrections training, the threat of gang violence, and border security courses are instituted as part of the core curriculum at the International Law Enforcement Academy in San Salvador.

**SEC. 110. UNITED STATES EFFORTS IN THE WESTERN HEMISPHERE.**

(a) DETERMINATION.—For any country in the Western Hemisphere that the President has determined—

(1) is engaged in military cooperation with a state sponsor of terrorism,

(2) is engaged in nonmarket-based trade with a state sponsor of terrorism,

(3) is carrying out policies that threaten United States national security interests, or

(4) is not fully cooperating with United States counterterrorism or nonproliferation efforts,

the President is authorized to impose any of the sanctions described in subsection (b).

(b) SANCTIONS.—For any country in the Western Hemisphere with respect to which the President has made a determination in accordance with subsection (a), the President is authorized to—



1           (1) suspend United States nonhumanitarian  
 2           foreign assistance to the government of that country;  
 3           and

4           (2) prohibit the sale, provision, or transfer of  
 5           articles, including the issuance of any specific license  
 6           or grant of any other specific permission or author-  
 7           ity to export any goods or technology under—

8                       (A) the Export Administration Act of 1979  
 9                       (as continued in effect under the International  
 10                      Emergency Economic Powers Act);

11                     (B) the Arms Export Control Act;

12                     (C) the Atomic Energy Act of 1954; or

13                     (D) any other statute that requires the  
 14           prior review and approval of the United States  
 15           Government as a condition for the export or re-  
 16           export of goods or services.

17 **SEC. 111. AMENDMENTS TO THE DEPARTMENT OF STATE**  
 18 **REWARDS PROGRAM.**

19           (a) IN GENERAL.—Section 36 of the State Depart-  
 20           ment Basic Authorities Act of 1956 (22 U.S.C. 2708) is  
 21           amended—

22                     (1) in subsection (a)(2), by inserting “serious  
 23           violations of international humanitarian law,  
 24           transnational organized crime,” after “international  
 25           narcotics trafficking,”;

1 (2) in subsection (b)—

2 (A) in the matter preceding paragraph (1),  
3 by striking “Attorney General” and inserting  
4 “heads of other relevant departments or agen-  
5 cies”;

6 (B) in paragraphs (4) and (5), by striking  
7 “paragraph (1), (2), or (3)” each place it ap-  
8 pears and inserting “paragraph (1), (2), (3),  
9 (8), (9), (10), or (11)”;

10 (C) in paragraph (6)—

11 (i) by inserting “or transnational or-  
12 ganized crime group” after “terrorist orga-  
13 nization”; and

14 (ii) by striking “or” at the end;

15 (D) in paragraph (7)—

16 (i) in the matter preceding subpara-  
17 graph (A), by striking “, including the use  
18 by the organization of illicit narcotics pro-  
19 duction or international narcotics traf-  
20 ficking” and inserting “or transnational  
21 organized crime group, including the use  
22 by such organization or group of illicit nar-  
23 cotics production or international narcotics  
24 trafficking”;

1 (ii) in subparagraph (A), by inserting  
2 “or transnational organized crime” after  
3 “international terrorism”; and

4 (iii) in subparagraph (B)—

5 (I) by inserting “or transnational  
6 organized crime group” after “ter-  
7 rorist organization”; and

8 (II) by striking the period at the  
9 end and inserting a semicolon; and

10 (E) by adding at the end the following new  
11 paragraphs:

12 “(8) the arrest or conviction in any country of  
13 any individual wanted on terrorism charges pursuant  
14 to red notices duly issued by Interpol, if such reward  
15 would help advance United States interests or the  
16 interests of United States allies in the global strug-  
17 gle against international terrorism;

18 “(9) the arrest or conviction in any country of  
19 any individual for participating in, primarily outside  
20 the United States, transnational organized crime;

21 “(10) the arrest or conviction in any country of  
22 any individual conspiring to participate in or at-  
23 tempting to participate in transnational organized  
24 crime; or

1           “(11) the arrest or conviction in any country,  
2           or the transfer to or conviction by an international  
3           criminal tribunal (including a hybrid or mixed tri-  
4           bunal), of any foreign national accused of war  
5           crimes, crimes against humanity, or genocide, as de-  
6           fined under the statute of such tribunal.”;

7           (3) in subsection (e)(1), by striking the last  
8           sentence; and

9           (4) in subsection (k)—

10           (A) by redesignating paragraphs (5) and  
11           (6) as paragraphs (7) and (8), respectively; and

12           (B) by inserting after paragraph (4) the  
13           following new paragraphs:

14           “(5) TRANSNATIONAL ORGANIZED CRIME.—The  
15           term ‘transnational organized crime’ means—

16           “(A) racketeering activity (as such term is  
17           defined in section 1961 of title 18, United  
18           States Code) that involves at least one jurisdic-  
19           tion outside the United States; or

20           “(B) any other criminal offense punishable  
21           by a term of imprisonment of at least four  
22           years under Federal, State, or local law that in-  
23           volves at least one jurisdiction outside the  
24           United States and that is intended to obtain,

1 directly or indirectly, a financial or other mate-  
2 rial benefit.

3 “(6) TRANSNATIONAL ORGANIZED CRIME  
4 GROUP.—The term ‘transnational organized crime  
5 group’ means a group of persons that includes one  
6 or more citizens of a foreign country, exists for a pe-  
7 riod of time, and acts in concert with the aim of en-  
8 gaging in transnational organized crime.”.

9 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
10 tion or the amendments made by this section shall be con-  
11 strued as authorizing the use of any activity precluded  
12 under the American Servicemembers’ Protection Act of  
13 2002 (Public Law 107–206).

14 **SEC. 112. ESTABLISHMENT OF A WESTERN HEMISPHERE**  
15 **REGIONAL COORDINATION CENTER.**

16 (a) STATEMENT OF POLICY.—It shall be the policy  
17 of the United States to—

18 (1) carry out a comprehensive and integrated  
19 approach to United States counterterrorism, coun-  
20 ternarcotics, and nonproliferation efforts, both do-  
21 mestically and abroad; and

22 (2) seek to engage leaders of the governments  
23 of countries in the Western Hemisphere to develop  
24 a comprehensive multilateral strategy to counter cur-

1       rent and emerging threats and prevent the prolifera-  
2       tion of nuclear, chemical, and biological weapons.

3       (b) PURPOSE.—A Western Hemisphere Regional Co-  
4       ordination Center shall serve as a joint operational facility  
5       dedicated to coordinating efforts, capacity, and intel-  
6       ligence among participating countries to counter current  
7       and emerging threats and prevent the proliferation of nu-  
8       clear, chemical, and biological weapons throughout the  
9       Western Hemisphere.

10       (c) ESTABLISHMENT.—The Secretary of State shall  
11       negotiate with the leaders of the governments of other  
12       countries of the Western Hemisphere on a bilateral or  
13       multilateral basis, as appropriate, international agree-  
14       ments under which such governments work in partnership  
15       to establish a center to be known as the “Western Hemi-  
16       sphere Regional Coordination Center” (RCC).

17       (d) PARTICIPATION OF UNITED STATES GOVERN-  
18       MENT AGENCIES.—

19               (1) IN GENERAL.—The Secretary of State, in  
20       consultation with the Director of National Intel-  
21       ligence and the Secretary of Defense, shall deter-  
22       mine which departments and agencies of the United  
23       States Government, including the Department of  
24       Defense, the Department of Energy, the Department  
25       of Homeland Security, the Department of the Treas-

1        ury, the Department of Justice, the Drug Enforce-  
2        ment Administration, and the Federal Bureau of In-  
3        vestigation, are necessary to ensure the establish-  
4        ment and operation of the RCC. The Secretary of  
5        State, in consultation with the Director of National  
6        Intelligence and the Secretary of Defense, shall ne-  
7        gotiate agreements with the heads of such agencies  
8        to ensure their full participation and cooperation in  
9        such establishment and operation.

10        (2) ASSIGNMENT OF REGIONAL ATTACHES AND  
11        ADVISORS.—The Secretary of State, in coordination  
12        with the Secretary of Defense and the Director of  
13        National Intelligence, may transfer to the RCC re-  
14        gional attaches and advisors serving at United  
15        States diplomatic and consular missions in the West-  
16        ern Hemisphere.

17        (e) STRUCTURE.—

18        (1) MANAGEMENT OF THE RCC.—It is the sense  
19        of Congress that the Secretary of State, in coordina-  
20        tion with the Secretary of Defense and the Director  
21        of National Intelligence, should be responsible for  
22        the management of the RCC, including development  
23        of the budget, priorities, and programs of the RCC.

24        (2) STAFFING AND DUTIES.—

1           (A) IN GENERAL.—The RCC shall have  
2           one United States Director, at least one but not  
3           more than two United States Deputy Directors,  
4           and one host country General Director. The  
5           United States Director and United States Dep-  
6           uty Directors may be employees of any of the  
7           United States national security agencies and  
8           shall be chosen by the Secretary of State, in  
9           consultation with the Director of National Intel-  
10          ligence and Secretary of Defense. The Director  
11          and Deputy Directors of the RCC shall keep  
12          the Chief of Mission of the United States Em-  
13          bassy in the host country of the RCC fully in-  
14          formed of activities and operations of such  
15          RCC.

16          (B) STAFF OF FOREIGN COUNTRIES.—It is  
17          the sense of Congress that the Secretary of  
18          State should seek to ensure that staff of the  
19          RCC who are representatives of governments of  
20          other countries of the Western Hemisphere are  
21          comprised of individuals who are members of  
22          vetted units of such governments that are ap-  
23          proved by the United States Government.

24          (f) UNITED STATES CONTRIBUTIONS.—The United  
25          States should contribute existing funds, personnel, and



1 other resources to the RCC in order to avoid duplicative  
2 efforts to maximize the presence of the United States to  
3 improve regional security and cooperation within the  
4 Western Hemisphere.

5 **SEC. 113. TRANSFER OF FUNDS TO THE CENTRAL AMER-**  
6 **ICAN REGIONAL SECURITY INITIATIVE.**

7 For fiscal year 2013 and each subsequent fiscal year,  
8 50 percent of the amount of funds made available for “De-  
9 velopment Assistance” to carry out environmental pro-  
10 grams and 50 percent of the amount of funds made avail-  
11 able for the Global Climate Change Fund for the Western  
12 Hemisphere may be transferred to, and merged with,  
13 funds made available for “International Narcotics Control  
14 and Law Enforcement” to carry out the Central American  
15 Regional Security Initiative.

16 **SEC. 114. ADMINISTRATION OF SECURITY ASSISTANCE**  
17 **PROGRAMS FOR CENTRAL AMERICAN COUN-**  
18 **TRIES.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) According to the Government Accountability  
21 Office report dated July 2010 regarding the Merida  
22 Initiative, Department of State officials at posts in  
23 Central American countries expressed frustration  
24 with the Narcotics Affairs Section (NAS) of the  
25 United States Embassy in Mexico City serving as

1 the account manager for International Narcotics  
2 Control and Law Enforcement funds destined for  
3 Central America because “it adds an extra layer” to  
4 an already complex funding process.

5 (2) Some Department of State officials at posts  
6 in Central America stated that this situation has  
7 created a bottleneck on the progress of bilateral pro-  
8 curement and training.

9 (3) United States officials at posts in three  
10 Central American countries noted that returning  
11 funds to embassy control would speed up procure-  
12 ment, and facilitate travel, training, and exchange  
13 programs.

14 (b) REQUIREMENT.—For fiscal year 2013 and each  
15 subsequent fiscal year, funds made available for “Inter-  
16 national Narcotics Control and Law Enforcement” to  
17 carry out security assistance programs for any country of  
18 Central America may be administered only through the  
19 United States embassy for such Central American coun-  
20 try.

21 **SEC. 115. RESTRICTION ON ASSISTANCE FOR THE GUATE-**  
22 **MALAN ARMY.**

23 (a) IN GENERAL.—Not later than 120 days after the  
24 date of the enactment of this Act, the Secretary of State  
25 shall submit to the appropriate congressional committees

1 a report that narrowly defines Guatemala’s strategy for  
 2 addressing—

3 (1) border security and external threats;

4 (2) respect for human rights;

5 (3) cooperation with civilian investigations and  
 6 prosecutions of cases involving current and retired  
 7 officers and with the International Commission  
 8 against Impunity in Guatemala (CICIG); and

9 (4) public disclosure of all military archives per-  
 10 taining to the internal armed conflict.

11 (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
 12 DEFINED.—In this section, the term “appropriate con-  
 13 gressional committees” means—

14 (1) the Committee on Foreign Affairs and the  
 15 Committee on Appropriations of the House of Rep-  
 16 resentatives; and

17 (2) the Committee on Foreign Relations and  
 18 the Committee on Appropriations of the Senate.

19 **TITLE II—NONPROLIFERATION**  
 20 **OF NUCLEAR, CHEMICAL,**  
 21 **AND BIOLOGICAL WEAPONS**  
 22 **IN THE WESTERN HEMI-**  
 23 **SPHERE**

24 **SEC. 201. FINDINGS.**

25 Congress finds the following:

1           (1) Venezuela and Iran have established exten-  
2           sive political, military, and economic cooperation.

3           (2) Venezuela, under the government of Hugo  
4           Chavez, has publicly supported Iran's development  
5           of a capacity to enrich uranium, which many observ-  
6           ers believe is part of a nuclear weapons program.

7           (3) In May 2005, Chavez stated that he was  
8           seeking assistance from Iran to establish a nuclear  
9           program in Venezuela.

10          (4) On February 4, 2006, Venezuela was one of  
11          only three countries to vote against a resolution by  
12          the Board of Governors of the International Atomic  
13          Energy Agency, or IAEA, to report Iran to the  
14          United Nations Security Council for violating its ob-  
15          ligations under the Nuclear Non-Proliferation Trea-  
16          ty.

17          (5) On February 15, 2006, the Speaker of the  
18          Iranian parliament, Gholam Ali Haddad-Adel, stated  
19          that his government was prepared to discuss pro-  
20          viding technical assistance to a Venezuelan nuclear  
21          program.

22          (6) On a visit to Iran in February 2008, Abel  
23          El Zabayar, a member of Venezuela's National As-  
24          sembly and Mining Commission, stated that Iran  
25          will "practically give away" its civilian nuclear tech-

1 nology and that “if relations with Iran lead to shar-  
2 ing nuclear technology with us, we would then give  
3 it away to our brothers in Latin America once we  
4 are successful.”.

5 (7) El Zabayar stated that Venezuela had taken  
6 steps toward establishing a civilian nuclear program  
7 and that cooperation in this area was being dis-  
8 cussed with the Governments of Iran and Belarus.

9 (8) Venezuela reportedly has large deposits of  
10 uranium ore in the Guiana Shield region.

11 (9) In October 2009 Hugo Chavez stated Ven-  
12 ezuela was “working with several countries, with  
13 Iran, with Russia” in their exploration for uranium.

14 (10) In December 2009, Iran and Ecuador  
15 signed a mining agreement that establishes a frame-  
16 work for potential uranium cooperation.

17 (11) In 1985 the Brazilian government an-  
18 nounced that it had terminated a clandestine nuclear  
19 weapons program run by the military since 1975.

20 (12) In August 2005 a former high-ranking  
21 Brazilian nuclear official stated that the military  
22 had continued to develop elements of a nuclear  
23 weapons program into the 1990s.

24 (13) On November 20, 2007, Brazilian General  
25 Jose Benedito de Barros Moreira publicly called for

1 Brazil to develop the technological capacity to manu-  
2 facture nuclear weapons.

3 (14) The centrifuges at Brazil's Resende ura-  
4 nium enrichment plant can be reconfigured to  
5 produce highly enriched uranium in quantities suffi-  
6 cient to produce several nuclear weapons annually.

7 (15) Brazil has denied inspectors from the  
8 IAEA full access to its uranium enrichment cen-  
9 trifuges at Resende on the grounds that it is pro-  
10 tecting commercial secrets.

11 (16) The standoff with the IAEA was resolved  
12 only by the IAEA agreeing to limit its verification  
13 methods to indirect inspections without direct in-  
14 spection of the centrifuges, which many non-  
15 proliferation experts fear could be used as a prece-  
16 dent by Iran and other countries to prevent IAEA  
17 inspectors from examining their suspect nuclear fa-  
18 cilities.

19 (17) A prototype nuclear reactor is being devel-  
20 oped at the Armar Research Center for use in Bra-  
21 zil's nuclear-powered submarine program.

22 (18) On February 24, 2008, the Governments  
23 of Argentina and Brazil agreed to begin negotiations  
24 regarding the joint development of a nuclear reactor  
25 and construction of a uranium enrichment plant.

1           (19) In February 2008, President Christina  
2           Kirchner of Argentina and Luiz Inacio Lula da Silva  
3           of Brazil agreed to the establishment of a joint ura-  
4           nium enrichment plant.

5           (20) In 2010 Brazil facilitated a joint declara-  
6           tion for Iran to send uranium to Turkey for enrich-  
7           ment. After the announcement, Brazilian Foreign  
8           Minister Celso Amorin stated “in our view, the  
9           agreement eliminates any ground for sanctions  
10          against Iran.”.

11          (21) In 2011 Brazil expanded its uranium en-  
12          richment capacity to an industrial level.

13          (22) Until 1990 the Argentine Government con-  
14          ducted a clandestine nuclear weapons program.

15          (23) In December 1985 Argentina and Iran  
16          signed a nuclear cooperation agreement in which Ar-  
17          gentina agreed to supply Iran with highly enriched  
18          uranium.

19          (24) In 1987 and 1988 Argentina signed three  
20          agreements with Iran for converting a nuclear reac-  
21          tor to use enriched uranium, for building pilot plants  
22          for uranium-dioxide conversion and fuel fabrication.

23          (25) Assistance by Argentina to the Iranian nu-  
24          clear program was reduced, but not terminated, fol-  
25          lowing pressure by the United States.

1           (26) Several countries in Latin America, includ-  
2           ing Brazil and Argentina, have not signed and im-  
3           plemented an Additional Protocol which provides  
4           IAEA inspectors with enhanced access to nuclear fa-  
5           cilities.

6           (27) Some Western Hemisphere countries have  
7           not ratified the Convention on the Prohibition of the  
8           Development, Production, Stockpiling and Use of  
9           Chemical Weapons and on their Destruction, also re-  
10          ferred to as The Chemical Weapons Convention.

11          (28) Several countries in Latin America have  
12          not signed and ratified The Convention on the Pro-  
13          hibition of the Development and Stockpiling of Bac-  
14          teriological (Biological) and Toxin Weapons and on  
15          their Destruction (also referred to as the Biological  
16          Weapons Convention).

17 **SEC. 202. STATEMENT OF POLICY REGARDING THE PRO-**  
18 **LIFERATION OF WEAPONS-RELATED NU-**  
19 **CLEAR, CHEMICAL, AND BIOLOGICAL MATE-**  
20 **RIALS, TECHNOLOGY, AND FACILITIES.**

21          (a) IN GENERAL.—To enhance the prevention of the  
22          proliferation of weapons-related nuclear, chemical, and bi-  
23          ological materials, technology, and facilities, it shall be the  
24          policy of the United States to—



1           (1) promote the negotiation and implementation  
2       by all countries of—

3           (A) a comprehensive safeguards agreement  
4       with the International Atomic Energy Agency  
5       (IAEA); and

6           (B) an Additional Protocol to the safe-  
7       guards agreement;

8           (2) secure guarantees by all countries of unre-  
9       stricted access by IAEA personnel to all nuclear-re-  
10      lated materials and facilities in territories under the  
11      control of the host country;

12          (3) promote the implementation by all countries  
13      of United Nations Security Council Resolution 1540  
14      which was amended on April 20, 2011, by United  
15      Nations Security Council Resolution 1977 and which  
16      reaffirms that the proliferation of nuclear, chemical,  
17      and biological weapons and their means of delivery  
18      constitutes a threat to international peace and secu-  
19      rity, and extends the mandate of the Resolution  
20      1540 Committee for a period of 10 years to 2021;

21          (4) promote the accession to and ratification  
22      and implementation of—

23           (A) the Convention on the Prohibition of  
24      the Development, Production, Stockpiling and  
25      Use of Chemical Weapons and on their De-

struction (also referred to as the Chemical Weapons Convention);

(B) the 1980 IAEA Convention on the Physical Protection of Nuclear Material;

(C) the 2005 United Nations International Convention for the Suppression of Acts of Nuclear Terrorism; and

(D) the Convention on the Prohibition of the Development and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (also referred to as the Biological Weapons Convention).

(b) ADDITIONAL PROTOCOL DEFINED.—In this section, the term “Additional Protocol” means the Protocol Additional to an agreement between a country and the International Atomic Energy Agency for the Application of Safeguards.

**SEC. 203. STATEMENT OF POLICY REGARDING THE SMALL QUANTITIES PROTOCOL.**

(a) IN GENERAL.—Because a Small Quantities Protocol (SQP) sets aside many of the operative provisions of a general safeguards agreement, the ability of the International Atomic Energy Agency (IAEA) to verify that nuclear materials and facilities in a country with an SQP are not being diverted for illicit purposes is significantly

1 impaired. For this reason, it shall be the policy of the  
2 United States to—

3 (1) oppose the negotiation by the IAEA of an  
4 SQP for any country that did not have an SQP as  
5 of January 1, 2012; and

6 (2) encourage every country with an SQP to  
7 withdraw formally from or renegotiate that agree-  
8 ment for the purpose of increasing transparency and  
9 eliminating any exemption or provision that could  
10 restrict the ability of the IAEA to verify that a  
11 country's nuclear materials and facilities are not  
12 being diverted to impermissible uses.

13 (b) COUNTRIES DESCRIBED.—For purposes of sub-  
14 section (a)(1), as of January 1, 2012, the countries with  
15 an SQP are the following: Antigua & Barbuda, Bahamas,  
16 Barbados, Belize, Bolivia, Costa Rica, Dominica, Domini-  
17 can Republic, Ecuador, El Salvador, Grenada, Guatemala,  
18 Guyana, Haiti, Honduras, Nicaragua, Panama, Paraguay,  
19 St. Kitts and Nevis, St. Lucia, St. Vincent and the Grena-  
20 dines, Suriname, Trinidad & Tobago, and the United  
21 States.

1 **SEC. 204. SECURING ADHERENCE TO AGREEMENTS RE-**  
2 **GARDING NUCLEAR NONPROLIFERATION BY**  
3 **COUNTRIES IN THE WESTERN HEMISPHERE.**

4 (a) IN GENERAL.—The President shall use all avail-  
5 able political, economic, and diplomatic tools to ensure  
6 that each country in the Western Hemisphere—

7 (1) has signed and implemented a comprehen-  
8 sive safeguards agreement with the International  
9 Atomic Energy Agency (IAEA);

10 (2) has signed and implemented an Additional  
11 Protocol to its safeguards agreement;

12 (3) guarantees unrestricted access for IAEA  
13 personnel to all nuclear-related facilities;

14 (4) has implemented the provisions of United  
15 Nations Security Council Resolution 1540;

16 (5) has acceded to, ratified, and fully imple-  
17 mented the conventions referred to in section  
18 202(a)(4);

19 (6) does not negotiate with the IAEA an SQP  
20 if that country did not have an SQP as of January  
21 1, 2012; and

22 (7) withdraws formally from or renegotiates an  
23 SQP agreement if a country has such an agreement.

24 (b) SANCTIONS.—For any Western Hemisphere  
25 country that has not satisfied all of the requirements spec-  
26 ified in subsection (a), the President is authorized to—

1           (1) suspend United States nonhumanitarian  
2       foreign assistance to the government of that country;  
3       and

4           (2) prohibit the sale, provision, or transfer of  
5       articles, including the issuance of any specific license  
6       or grant of any other specific permission or author-  
7       ity to export any goods or technology under—

8                       (A) the Export Administration Act of 1979  
9                       (as continued in effect under the International  
10                      Emergency Economic Powers Act);

11                     (B) the Arms Export Control Act;

12                     (C) the Atomic Energy Act of 1954; or

13                     (D) any other statute that requires the  
14       prior review and approval of the United States  
15       Government as a condition for the export or re-  
16       export of goods or services.

17 **SEC. 205. HALTING THE PROLIFERATION OF NUCLEAR**  
18 **FUEL FABRICATION.**

19       (a) STATEMENT OF POLICY.—It shall be the policy  
20       of the United States to oppose the development or acquisi-  
21       tion by any country of a capacity to fabricate nuclear fuel  
22       if such country did not have such capacity as of January  
23       1, 2012.

24       (b) PREVENTION OF CAPACITY TO FABRICATE NU-  
25       CLEAR FUEL.—The President shall use all available polit-

1 ical, economic, and diplomatic tools, and shall use the  
2 voice, vote, and influence of the United States in all inter-  
3 national organizations and associations of which it is a  
4 member, including the International Atomic Energy Agen-  
5 cy (IAEA) and the Nuclear Suppliers Group, to prevent  
6 the development or acquisition by any country of a capac-  
7 ity to fabricate nuclear fuel if such country did not have  
8 such capacity as of January 1, 2012.

9 (c) NUCLEAR TECHNICAL COOPERATION WITH THE  
10 IAEA.—The President shall direct the United States Per-  
11 manent Representative to the IAEA to use the voice, vote,  
12 and influence of the United States at the IAEA to block  
13 the allocation of funds for any IAEA development, envi-  
14 ronmental, or nuclear science assistance or activity to a  
15 country the government of which—

16 (1) the Secretary of State has determined, for  
17 purposes of section 6(j) of the Export Administra-  
18 tion Act of 1979 (as continued in effect under the  
19 International Emergency Economic Powers Act),  
20 section 620A of the Foreign Assistance Act of 1961,  
21 section 40 of the Arms Export Control Act, or any  
22 other provision of law, is a government that has re-  
23 peatedly provided support for acts of international  
24 terrorism;

1           (2) is actively cooperating with a government as  
2 described in paragraph (1);

3           (3) is under investigation for a breach of or  
4 noncompliance with its IAEA obligations or the pur-  
5 poses and principles of the Charter of the United  
6 Nations; or

7           (4) is in violation of its IAEA obligations or the  
8 purposes and principles of the Charter of the United  
9 Nations.

10 **SEC. 206. COOPERATION WITH THE PROLIFERATION SECU-**  
11 **RITY INITIATIVE.**

12       (a) FINDINGS.—Congress finds the following:

13           (1) From its inception on May 31, 2003, the  
14 Proliferation Security Initiative, also referred to as  
15 the PSI, has repeatedly demonstrated its effective-  
16 ness in preventing the proliferation of weapons of  
17 mass destruction.

18           (2) In his February 11, 2004, address at the  
19 National Defense University regarding additional  
20 measures to enhance global efforts against the pro-  
21 liferation of weapons of mass destruction President  
22 Bush proposed that “the work of the Proliferation  
23 Security Initiative be expanded to address more than  
24 shipments and transfers. Building on the tools we’ve  
25 developed to fight terrorists, we can take direct ac-

1       tion against proliferation networks. We need greater  
 2       cooperation not just among intelligence and military  
 3       services, but in law enforcement, as well. PSI par-  
 4       ticipants and other willing nations should use the  
 5       Interpol and all other means to bring to justice  
 6       those who traffic in deadly weapons, to shut down  
 7       their labs, to seize their materials, to freeze their as-  
 8       sets. We must act on every lead. We will find the  
 9       middlemen, the suppliers and the buyers.”.

10           (3) The number of countries participating in  
 11       PSI has steadily increased, thereby greatly enhanc-  
 12       ing its effectiveness.

13           (4) Many countries in the Western Hemisphere  
 14       formally or informally cooperate with the PSI.

15           (5) Expanded law enforcement cooperation  
 16       throughout the Western Hemisphere, including by  
 17       means of greater coordination of policies, improved  
 18       communications, and enhanced capabilities would  
 19       significantly promote the objectives of the PSI.

20       (b) SENSE OF CONGRESS CONCERNING STRENGTH-  
 21       ENING COOPERATION REGARDING NONPROLIFERA-  
 22       TION.—It is the sense of Congress that—

23           (1) it is in the national security interest of the  
 24       United States to establish comprehensive coopera-  
 25       tion to prevent the proliferation of nuclear, chemical,



1 and biological materials in the Western Hemisphere;  
2 and

3 (2) the Secretary of State should seek to secure  
4 the formal or informal cooperation by Western  
5 Hemisphere countries for the purpose of securing  
6 the goals of the Proliferation Security Initiative an-  
7 nounced by the President on May 31, 2003.

8 **SEC. 207. ESTABLISHMENT OF THE WESTERN HEMISPHERE**  
9 **NONPROLIFERATION PARTNERSHIP INITIA-**  
10 **TIVE.**

11 (a) IN GENERAL.—The Secretary of State is author-  
12 ized, in consultation with relevant United States Govern-  
13 ment agencies, to negotiate with the leaders of the govern-  
14 ments of countries in the Western Hemisphere on a bilat-  
15 eral or multilateral basis, as appropriate, international  
16 agreements under which such governments work in part-  
17 nership to establish an initiative to be known as the  
18 “Western Hemisphere Nonproliferation Partnership Ini-  
19 tiative” (NPI).

20 (b) PURPOSE.—

21 (1) IN GENERAL.—The NPI shall—

22 (A) encourage the establishment of con-  
23 tacts and cooperative relationships, including  
24 the sharing of intelligence, between the respon-  
25 sible individuals and agencies of each partici-

1           pant country with their counterparts in the  
2           United States Government and in other partici-  
3           pating countries; and

4                 (B) encourage bilateral and multilateral  
5           support, cooperation, and coordination of na-  
6           tional programs and efforts to promote effective  
7           and in-depth cooperation to counter the illicit  
8           acquisition or trade of weapons-related nuclear,  
9           chemical, or biological materials, technology, or  
10          facilities.

11           (2) COOPERATIVE PROGRAMS.—The cooperative  
12          programs referred to under paragraph (1)(B) shall  
13          include the following:

14                 (A) Training for government officials and  
15           agents from participating countries regarding  
16           the development and operation of NPI pro-  
17           grams.

18                 (B) Assistance in developing a comprehen-  
19           sive legal and regulatory framework in each  
20           country, as appropriate, to enable the establish-  
21           ment and effective implementation of export  
22           controls and the capacity to track nuclear,  
23           chemical, and biological materials, equipment,  
24           technology, and facilities.

1 (C) Provision of equipment, development of  
 2 infrastructure, and the acquisition of other re-  
 3 sources required by participating countries to  
 4 effectively carry out the tasks referred to in  
 5 subparagraphs (A) and (B).

6 **SEC. 208. FOREIGN POLICY CONTROLS.**

7 (a) **TERRORIST STATES.**—Section 6(j)(4) of the Ex-  
 8 port Administration Act of 1979 (50 U.S.C. App.  
 9 2405(j)(4)) is amended—

10 (1) in the matter preceding subparagraph (A),  
 11 by striking “the Speaker” and inserting “the chair-  
 12 man of the Committee on Foreign Affairs”; and

13 (2) in subparagraph (B)—

14 (A) in clause (i), by striking “6-month pe-  
 15 riod; and” and inserting “36-month period;”;

16 (B) in clause (ii), by striking the period at  
 17 the end and inserting a semicolon; and

18 (C) by adding after clause (ii) the fol-  
 19 lowing:

20 “(iii) that government is not a ‘coun-  
 21 try of proliferation concern’ as defined in  
 22 section 1055(g)(2) of the National Defense  
 23 Authorization Act for Fiscal Year 2010  
 24 (50 U.S.C. 2371(g)(2)); and

1 “(iv) that government has provided  
2 assurances that it will not knowingly facili-  
3 tate, directly or indirectly, the proliferation  
4 of nuclear materials, items, or technology  
5 in the future.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) FOREIGN ASSISTANCE ACT OF 1961.—Sec-  
8 tion 620A(c) of the Foreign Assistance Act of 1961  
9 (22 U.S.C. 2371(c)) is amended—

10 (A) in the matter preceding paragraph (1),  
11 by striking “the Speaker” and inserting “the  
12 chairman of the Committee on Foreign Af-  
13 fairs”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A), by striking  
16 “6-month period; and” and inserting “36-  
17 month period;”;

18 (ii) in subparagraph (B), by striking  
19 the period at the end and inserting a semi-  
20 colon; and

21 (iii) by adding after subparagraph (B)  
22 the following:

23 “(C) that government is not a ‘country of  
24 proliferation concern’ as defined in section  
25 1055(g)(2) of the National Defense Authoriza-

1           tion Act for Fiscal Year 2010 (50 U.S.C.  
2           2371(g)(2)); and

3           “(D) that government has provided assur-  
4           ances that it will not knowingly facilitate, di-  
5           rectly or indirectly, the proliferation of nuclear  
6           materials, items, or technology in the future.”.

7           (2) ARMS EXPORT CONTROL ACT.—Section  
8           40(f)(1) of the Arms Export Control Act (22 U.S.C.  
9           2780(f)(1)) is amended—

10           (A) in the matter preceding subparagraph  
11           (A), by striking “the Speaker” and inserting  
12           “the chairman of the Committee on Foreign Af-  
13           fairs”; and

14           (B) in subparagraph (B)—

15           (i) in clause (i), by striking “6-month  
16           period; and” and inserting “36-month pe-  
17           riod;”;

18           (ii) in clause (ii), by striking the pe-  
19           riod at the end and inserting a semicolon;

20           (iii) by adding after clause (ii) the fol-  
21           lowing:

22           “(iii) that government is not a ‘coun-  
23           try of proliferation concern’ as defined in  
24           section 1055(g)(2) of the National Defense

1 Authorization Act for Fiscal Year 2010  
2 (50 U.S.C. 2371(g)(2)); and  
3 “(iv) that government has provided  
4 assurances that it will not knowingly facili-  
5 tate, directly or indirectly, the proliferation  
6 of nuclear materials, items, or technology  
7 in the future.”.

8 **SEC. 209. LIMITATION ON ARMS TRANSFERS.**

9 (a) IN GENERAL.—No letter of offer to sell major de-  
10 fense equipment to a foreign government of the Western  
11 Hemisphere may be issued pursuant to the Arms Export  
12 Control Act (22 U.S.C. 2751 et seq.) and no license to  
13 export major defense equipment to a foreign government  
14 of the Western Hemisphere may be issued pursuant to  
15 such Act in a fiscal year until the President makes the  
16 certification required under subsection (b) for such fiscal  
17 year.

18 (b) CERTIFICATION.—The certification required by  
19 this section is a certification by the President that the for-  
20 eign government of the Western Hemisphere—

- 21 (1) is not carrying out policies aimed at under-  
22 mining United States national security interests; and  
23 (2) is cooperating fully with United States non-  
24 proliferation efforts.

1       (c) WAIVER.—The President may waive the prohibi-  
2       tion under subsection (b) with respect to a specific trans-  
3       action if the President determines that such transaction  
4       is important to the national security interests of the  
5       United States.

6       **SEC. 210. RESTRICTIONS ON NUCLEAR COOPERATION WITH**  
7                               **COUNTRIES ASSISTING THE NUCLEAR PRO-**  
8                               **GRAM OF VENEZUELA OR CUBA.**

9       (a) IN GENERAL.—Notwithstanding any other provi-  
10       sion of law or any international agreement, no agreement  
11       for cooperation between the United States and the govern-  
12       ment of any country that is assisting the nuclear or bio-  
13       logical program of Venezuela or Cuba or transferring ad-  
14       vanced conventional weapons or missiles to Venezuela or  
15       Cuba may be submitted to the President or to Congress  
16       pursuant to section 123 of the Atomic Energy Act of 1954  
17       (42 U.S.C. 2153), no such agreement may enter into force  
18       with such country, no license may be issued for export di-  
19       rectly or indirectly to such country of any nuclear mate-  
20       rial, facilities, components, or other goods, services, or  
21       technology that would be subject to such agreement, and  
22       no approval may be given for the transfer or retransfer  
23       directly or indirectly to such country of any nuclear mate-  
24       rial, facilities, components, or other goods, services, or  
25       technology that would be subject to such agreement, until

1 the President determines and reports to the Committee  
2 on Foreign Affairs of the House of Representatives and  
3 the Committee on Foreign Relations of the Senate that  
4 the government of the country that is assisting the nuclear  
5 program of Venezuela or Cuba or transferring advanced  
6 conventional weapons or missiles to Venezuela or Cuba—

7           (1) has suspended all nuclear assistance to Ven-  
8           ezuela or Cuba and all transfers of advanced conven-  
9           tional weapons and missiles to Venezuela or Cuba;  
10          and

11           (2) is committed to maintaining such suspen-  
12           sion until Venezuela or Cuba has implemented meas-  
13           ures that would permit the President to make the  
14           determination described in paragraph (1).

15          (b) RULES OF CONSTRUCTION.—The restrictions de-  
16          scribed in subsection (a)—

17           (1) shall apply in addition to all other applica-  
18           ble procedures, requirements, and restrictions re-  
19           quired by the Atomic Energy Act of 1954 and any  
20           other law; and

21           (2) shall not be construed as affecting the valid-  
22           ity of agreements for cooperation that are in effect  
23           on the date of the enactment of this Act.

24          (c) DEFINITIONS.—In this section:



1           (1) AGREEMENT FOR COOPERATION.—The term  
2           “agreement for cooperation” has the meaning given  
3           that term in section 11 b. of the Atomic Energy Act  
4           of 1954 (42 U.S.C. 2014 b.).

5           (2) ASSISTING THE NUCLEAR PROGRAM OF  
6           VENEZUELA OR CUBA.—The term “assisting the nu-  
7           clear program of Venezuela or Cuba” means the in-  
8           tentional transfer to Venezuela or Cuba by a govern-  
9           ment, or by a person subject to the jurisdiction of  
10          a government with the knowledge and acquiescence  
11          of such government, of goods, services, or technology  
12          listed on the Nuclear Suppliers Group Guidelines for  
13          the Export of Nuclear Material, Equipment and  
14          Technology (published by the International Atomic  
15          Energy Agency as Information Circular INFCIRC/  
16          254/Rev. 3/Part 1, and subsequent revisions) or  
17          Guidelines for Transfers of Nuclear-Related Dual-  
18          Use Equipment, Material, and Related Technology  
19          (published by the International Atomic Energy  
20          Agency as Information Circular INFCIR/254/Rev. 3/  
21          Part 2, and subsequent revisions).

22          (3) COUNTRY THAT IS ASSISTING THE NU-  
23          CLEAR PROGRAM OF VENEZUELA OR CUBA OR  
24          TRANSFERRING ADVANCED CONVENTIONAL WEAP-  
25          ONS OR MISSILES TO VENEZUELA OR CUBA.—The

1 term “country that is assisting the nuclear program  
2 of Venezuela or Cuba or transferring advanced con-  
3 ventional weapons or missiles to Venezuela or Cuba”  
4 means—

5 (A) Russia; and

6 (B) any other country determined by the  
7 President to be assisting the nuclear program  
8 of Venezuela or Cuba or transferring advanced  
9 conventional weapons or missiles to Venezuela  
10 or Cuba.

11 (4) TRANSFERRING ADVANCED CONVENTIONAL  
12 WEAPONS OR MISSILES TO VENEZUELA OR CUBA.—

13 The term “transferring advanced conventional weap-  
14 ons or missiles to Venezuela or Cuba” means the in-  
15 tentional transfer to Venezuela or Cuba by a govern-  
16 ment, or by a person subject to the jurisdiction of  
17 a government with the knowledge and acquiescence  
18 of such government, of goods, services, or technology  
19 listed on—

20 (A) the Wassenaar Arrangement list of  
21 Dual Use Goods and Technologies and Muni-  
22 tions list of July 12, 1996, and subsequent revi-  
23 sions; or

1 (B) the Missile Technology Control Regime  
2 Equipment and Technology Annex of June 11,  
3 1996, and subsequent revisions.

4 **TITLE III—ORGANIZATION OF**  
5 **AMERICAN STATES**

6 **SEC. 301. ACTIONS REGARDING THE ORGANIZATION OF**  
7 **AMERICAN STATES.**

8 (a) DECLARATION REGARDING TERRORISM.—The  
9 Secretary of State shall direct the United States Rep-  
10 resentative to the Organization of American States (OAS)  
11 to use the voice, vote, and influence of the United States  
12 at the OAS to move for a declaration at the first meeting  
13 of Member States of the OAS convened after the date of  
14 the enactment of this Act calling on countries to system-  
15 atically deny the use of their territories by terrorists or  
16 terrorist organizations.

17 (b) TRANSFER OF FUNDS FOR UNITED STATES VOL-  
18 UNTARY CONTRIBUTIONS TO THE OAS.—

19 (1) IN GENERAL.—For fiscal year 2013 and  
20 each subsequent fiscal year, 50 percent of the  
21 amount of funds made available for United States  
22 assessed contributions to the OAS may be trans-  
23 ferred to, and merged with, funds made available for  
24 United States voluntary contributions to the OAS.

25 (2) USE OF FUNDS.—

1           (A) IN GENERAL.—For fiscal year 2013  
2           and each subsequent fiscal year, it is the sense  
3           of Congress that the United States Representa-  
4           tive to the OAS should allocate funds made  
5           available for United States voluntary contribu-  
6           tions to the OAS so as to give priority to con-  
7           tributions to the organizations specified in sub-  
8           paragraph (B).

9           (B) ORGANIZATIONS SPECIFIED.—The or-  
10          ganizations referred to in subparagraph (A) are  
11          the following:

12               (i) The OAS Inter-American Com-  
13               mittee Against Terrorism (CICTE).

14               (ii) The OAS Inter-American Drug  
15               Abuse Control Commission (CICAD).

16               (iii) The OAS Fund for Strengthening  
17               Democracy.

18               (iv) The Inter-American Commission  
19               on Human Rights.

20          (c) PROHIBITION ON UNITED STATES CONTRIBU-  
21          TION.—

22               (1) IN GENERAL.—No contributions by the  
23               United States may be made to the OAS if Cuba is  
24               admitted as an active Member State to the OAS or  
25               participates at the Summit of the Americas with the

1 consent of the OAS unless the Secretary of State de-  
2 termines and certifies to the appropriate congres-  
3 sional committees that a democratically elected gov-  
4 ernment in Cuba has been established.

5 (2) DEFINITION.—In this subsection, the term  
6 “democratically elected government in Cuba”, in ad-  
7 dition to meeting the requirements of section 205(a)  
8 of the Cuban Liberty and Democratic Solidarity  
9 (LIBERTAD) Act of 1996 (22 U.S.C. 6065(a)),  
10 means a government which meets the requirements  
11 of section 206 of such Act (22 U.S.C. 6066).

## 12 **TITLE IV—MISCELLANEOUS**

### 13 **PROVISIONS**

#### 14 **SEC. 401. PROHIBITIONS ON ENGAGEMENT WITH CERTAIN**

#### 15 **WESTERN HEMISPHERE COUNTRIES.**

16 Nothing in this Act shall be construed as weakening  
17 or removing any prohibitions on United States engage-  
18 ment with or assistance to any country in the Western  
19 Hemisphere that the Secretary of State has designated as  
20 a state sponsor of terrorism for a minimum of five con-  
21 secutive years.

#### 22 **SEC. 402. REPORT.**

23 (a) IN GENERAL.—For each of the fiscal years 2013,  
24 2014, and 2015, the Secretary of State shall submit to  
25 the appropriate congressional committees a report on the

1 activities carried out to achieve the objectives described  
2 in titles I and II that describe—

3 (1) the extent to which each such objective has  
4 been achieved;

5 (2) the steps taken by the United States and  
6 countries in the Western Hemisphere in the pre-  
7 ceding calendar year to accomplish such objectives;

8 (3) the extent of cooperation by other countries  
9 in the Western Hemisphere toward achieving such  
10 objectives; and

11 (4) the steps the United States will take in the  
12 current calendar year to accomplish such objectives.

13 (b) PREPARATION AND FORM OF REPORT.—The re-  
14 port required under subsection (a) shall rely on public in-  
15 formation to the extent possible, and may include a classi-  
16 fied annex, if necessary.

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