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112TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 112–223

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2012

SEPTEMBER 23, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Ms. ROS-LEHTINEN, from the Committee on Foreign Affairs, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2583]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 2583) to authorize appropriations for the Department of State for fiscal year 2012, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 2012".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Appropriate congressional committees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.
Sec. 102. Contributions to International Organizations.
Sec. 103. Contributions for International Peacekeeping Activities.
Sec. 104. International Commissions.
Sec. 105. Migration and Refugee Assistance.
Sec. 106. National Endowment for Democracy.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Transfer of inspections back to the Secretary of State.
Sec. 202. International Litigation Fund.
Sec. 203. Actuarial valuations.
Sec. 204. Special agents.
Sec. 205. Diplomatic security program contracting.

Subtitle B—Consular Services and Related Matters

Sec. 211. Extension of authority to assess passport surcharge.
Sec. 212. Tibet.
Sec. 213. Maintenance cost sharing program.
Sec. 214. Border crossing card fee for minors.
Sec. 215. Report on Office of Terrorism Finance and Economic Sanctions Policy of the Department of State.

Subtitle C—Other Matters

Sec. 221. Statement of policy on existing United States understandings with Israel.
Sec. 222. Recognition of Jerusalem as the capital of the State of Israel and relocation of the United States Embassy to Jerusalem.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Sec. 301. Suspension of Foreign Service members without pay.
Sec. 302. Repeal of recertification requirement for Senior Foreign Service.
Sec. 303. Limited appointments in the Foreign Service.
Sec. 304. Limitation of compensatory time off for travel.

TITLE IV—UNITED STATES INTERNATIONAL BROADCASTING

Sec. 401. Authorization of appropriations for international broadcasting.
Sec. 402. Personal services contracting program.
Sec. 403. Employment for international broadcasting.
Sec. 404. Technical amendment relating to civil immunity for Broadcasting Board of Governors members.

TITLE V—REPORTING REQUIREMENTS

Sec. 501. Reporting reform.
Sec. 502. Diplomatic relations with Israel.
Sec. 503. Report on progress to ameliorate violations of religious freedom.

TITLE VI—PROLIFERATION SECURITY INITIATIVE

Sec. 601. Authority to interdict certain imports to and exports from Iran.
Sec. 602. Report.
Sec. 603. Definitions.

TITLE VII—PEACE CORPS VOLUNTEER SERVICE PROTECTION

Sec. 701. Sexual assault complaints in the Peace Corps.
Sec. 702. Peace Corps volunteer protection.
Sec. 703. Conforming amendments.
Sec. 704. Independence of the Inspector General of the Peace Corps.
Sec. 705. Authorization of appropriations.

TITLE VIII—NUCLEAR NONPROLIFERATION

Sec. 801. Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons.
Sec. 802. Prohibition on assistance to state sponsors of proliferation of weapons of mass destruction.
Sec. 803. Additional protocol as a criterion for United States assistance.

TITLE IX—FOREIGN ASSISTANCE

Subtitle A—General Provisions

Sec. 901. Goals of United States assistance.

Sec. 902. Guidelines for United States foreign assistance programs.
Sec. 903. Report.

Subtitle B—Authorizations of Appropriations

Sec. 911. Bilateral Economic Assistance.
Sec. 912. United States Agency for International Development.
Sec. 913. Nonproliferation, antiterrorism, and demining.
Sec. 914. International narcotics control and law enforcement.
Sec. 915. Partnerships between businesses and postsecondary educational institutions in Africa.

Subtitle C—Prohibitions on Assistance

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Sec. 922. Foreign organizations that promote or perform abortion.
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Sec. 924. Countries that oppose the position of the United States in the United Nations.
Sec. 925. Support for activities of the Global Climate Change Initiative.
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Sec. 932. Muslim Brotherhood.
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Sec. 934. Sri Lanka.
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TITLE X—SECURITY ASSISTANCE

Sec. 1001. Short title.

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Sec. 1011A. International military education and training.

PART II—MILITARY ASSISTANCE AUTHORITIES AND RELATED PROVISIONS

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Sec. 1125. Report on the influence of the People's Republic of China in Southwest Asia.
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SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided in this Act, the term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", $8,790,000,000 for fiscal year 2012.

(A) WORLDWIDE SECURITY PROTECTION.—Of such amounts, $1,500,000,000 is authorized to be appropriated for worldwide security protection.

(B) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of such amounts, not less than $21,416,000 for fiscal year 2012 is authorized to be appropriated for the Bureau of Democracy, Human Rights and Labor.

(2) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", $59,499,000 for fiscal year 2012.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For "Embassy Security, Construction and Maintenance", $1,620,000,000 for fiscal year 2012.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For "Educational and Cultural Exchange Programs", $600,000,000 for fiscal year 2012.

(5) CONFLICT STABILIZATION OPERATIONS.—For "Conflict Stabilization Operations", $35,000,000 for fiscal year 2012.

(6) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $7,499,000 for fiscal year 2012.

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $27,744,000 for fiscal year 2012.

(8) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $9,499,000 for fiscal year 2012.

(9) REPATRIATION LOANS.—For "Repatriation Loans", $1,450,000 for fiscal year 2012.

(10) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $21,150,000 for fiscal year 2012.

(11) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $100,000,000 for fiscal year 2012, including for the Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction.

SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for "Contributions to International Organizations", $1,186,361,250 for fiscal year 2012, for the Department of State to carry out the authorities, functions, duties, and responsibilities in

the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) LIMITATION.—None of the funds authorized to be appropriated by this section are authorized to be appropriated for assessed contributions to the Organization of American States.

SEC. 103. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) STATEMENT OF POLICY.—It remains the policy of the United States, pursuant to section 404(b)(2)(A) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note) that funds authorized to be appropriated for contributions for international peacekeeping activities shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount that is greater than 25 percent of the total of all assessed contributions for such operation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $1,735,382,277 for fiscal year 2012 for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

SEC. 104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", $43,300,000 for fiscal year 2012; and

(B) for "Construction", $26,500,000 for fiscal year 2012.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $2,433,000 for fiscal year 2012.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $7,237,000 for fiscal year 2012.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $31,291,000 for fiscal year 2012.

SEC. 105. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities $1,690,000,000 for fiscal year 2012.

(b) REFUGEE RESETTLEMENT IN ISRAEL.—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $25,000,000 for fiscal year 2012 for resettlement of refugees in Israel.

SEC. 106. NATIONAL ENDOWMENT FOR DEMOCRACY.

There are authorized to be appropriated for the "National Endowment for Democracy" for authorized activities $118,000,000 for fiscal year 2012.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. TRANSFER OF INSPECTIONS BACK TO THE SECRETARY OF STATE.

(a) LIMITATION OF INSPECTOR GENERAL DUTIES.—Paragraph (1) section 209(a) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)), is amended by striking the fourth sentence and inserting the following new sentence: "The Inspector General shall perform such functions as the Secretary of State may prescribe, except that the Secretary of State shall not assign to the Inspector general any general operating responsibilities.".

(b) INSPECTIONS BY THE SECRETARY OF STATE.—

(1) INSPECTIONS.—The Secretary of State shall periodically inspect the administration of activities and operations of each Foreign Service post and each bureau and other operating unit of the Department of State.

(2) REPORTS PROVIDED TO THE INSPECTOR GENERAL.—The Secretary of State shall provide to the Inspector General of the Department of State a copy of the report of each inspection carried out in accordance with paragraph (1).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Inspector General of the Department of State to conduct audits, investigations, or inspections under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 202. INTERNATIONAL LITIGATION FUND.

Paragraph (3) of section 38(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(d)) is amended by striking "by the Department of State from another agency of the United States Government or pursuant to" and inserting "by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to".

SEC. 203. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

(A) in the first sentence, by striking "Secretary of the Treasury" and inserting "Secretary of State"; and

(B) by amending the second sentence to read as follows: "The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this subchapter, including actuarial advice, but only to the extent and in such amounts as are provided in advance in appropriations Acts.";

(2) in section 819 (22 U.S.C. 4059), in the first sentence, by striking "Secretary of the Treasury" the second place it appears and inserting "Secretary of State";

(3) in section 825(b) (22 U.S.C. 4065(b)), by striking "Secretary of the Treasury" and inserting "Secretary of State"; and

(4) section 859(c) (22 U.S.C. 4071h(c))—

(A) by striking "Secretary of the Treasury" and inserting instead "Secretary of State"; and

(B) by striking "and shall advise the Secretary of State of" and inserting "that will provide".

SEC. 204. SPECIAL AGENTS.

(a) IN GENERAL.—Paragraph (1) of section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and

"(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States as defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences;".

(b) RULE OF CONSTRUCTION.—Nothing in paragraph (1) of section 37(a) the State Department Basic Authorities Act of 1956 (as amended by subsection (a) of this section) shall be construed to limit the investigative authority of any other Federal department or agency.

SEC. 205. DIPLOMATIC SECURITY PROGRAM CONTRACTING.

Section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "With respect" and inserting "Except as provided in subsection (d), with respect"; and

(B) in paragraph (3), by striking "subsection (d)" and inserting "subsection (e)";

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) AWARD OF LOCAL GUARD AND PROTECTIVE SERVICE CONTRACTS IN HIGH RISK AREAS.—With respect to local guard contracts for Foreign Service buildings located in high risk areas which exceed $250,000, the Secretary of State shall—

"(1) comply with paragraphs (1), (2), (4), (5), and (6) of subsection (c) in the award of such contracts;

"(2) in evaluating proposals for such contracts, award contracts to the firm representing the best value to the Government in accordance with the best

value tradeoff process described in subpart 15.1 of the Federal Acquisition Regulation (48 C.F.R. 15.101–1); and

"(3) ensure that in all contracts awarded under this subsection, contractor personnel providing local guard or protective services are classified as—

"(A) employees of the offeror;

"(B) if the offeror is a joint venture, as the employees of one of the persons or parties constituting the joint venture; or

"(C) as employees of a subcontractor to the offeror, and not as independent contractors to the offeror or any other entity performing under such contracts."; and

(4) in subsection (e), as redesignated by paragraph (2) of this section—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding after paragraph (4) the following new paragraph:

"(5) the term 'high risk areas' means—

"(A) an area designated as a contingency operation in accordance with section 101(a)(13) of title 10, United States Code; or

"(B) an area determined by the Assistant Secretary of Diplomatic Security to present an increased threat of serious damage or harm to United States diplomatic facilities or personnel.".

Subtitle B—Consular Services and Related Matters

SEC. 211. EXTENSION OF AUTHORITY TO ASSESS PASSPORT SURCHARGE.

Paragraph (2) of section 1(b) of the Act of June 4, 1920 (41 Stat. 750; chapter 223; 22 U.S.C. 214(b)), is amended by striking "2010" and inserting "2015".

SEC. 212. TIBET.

(a) TIBET NEGOTIATIONS.—Section 613(a) of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ", and should coordinate with other governments in multilateral efforts toward this goal";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) POLICY COORDINATION.—The President shall direct the National Security Council to ensure that, in accordance with this Act, United States policy on Tibet is coordinated and communicated with all executive branch agencies in contact with the Government of the People's Republic of China.".

(b) DIPLOMATIC REPRESENTATION RELATING TO TIBET.—

(1) UNITED STATES EMBASSY IN BEIJING.—

(A) IN GENERAL.—The Secretary of State is authorized to establish a Tibet Section within the United States Embassy in Beijing, China, for the purposes of following political, economic, and social developments inside Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces, until such time as a United States consulate in Tibet is established. Such Tibet Section shall have the primary responsibility for reporting on human rights issues in Tibet and shall work in close cooperation with the Office of the Special Coordinator for Tibetan Issues of the Department of State. The chief of such Tibet Section should be of senior rank.

(2) IN TIBET.—Section 618 of the Tibetan Policy Act of 2002 is amended to read as follows:

"SEC. 618. ESTABLISHMENT OF A UNITED STATES CONSULATE IN LHASA, TIBET.

"The Secretary shall seek to establish a United States consulate in Lhasa, Tibet, to provide services to United States citizens traveling in Tibet and to monitor political, economic, and cultural developments in Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces and, until such consulate is established, shall not permit the establishment in the United States of any additional consulate of the People's Republic of China.".

(c) RELIGIOUS PERSECUTION IN TIBET.—Section 620(b) of the Tibetan Policy Act of 2002 is amended by adding before the period at the end the following: ", including in the reincarnation system of Tibetan Buddhism".

(d) BILATERAL ASSISTANCE.—Section 616 of the Tibetan Policy Act of 2002 is amended—

(1) in subsection (a), in the second sentence, by striking "subsection (d)" and inserting "subsection (e)";

(2) in subsection (b), by striking "subsection (d)" and inserting "subsection (e)";

(3) in subsection (c), by striking "subsection (d)" and inserting "subsection (e)";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection:

"(d) UNITED STATES ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to review and approval of the United States Special Coordinator for Tibetan Issues under section 621(d).".

SEC. 213. MAINTENANCE COST SHARING PROGRAM.

Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended, in the first sentence, by striking "providing new," and inserting "providing, maintaining, repairing, and renovating".

SEC. 214. BORDER CROSSING CARD FEE FOR MINORS.

Section 410(a)(1)(A) of the Department of State and Related Agencies Appropriations Act, 1999 (contained in division A of Public Law 105–277) is amended by striking "a fee of $13" and inserting "a fee equal to one-half the fee that would otherwise apply for processing a machine readable combined border crossing identification card and nonimmigrant visa".

SEC. 215. REPORT ON OFFICE OF TERRORISM FINANCE AND ECONOMIC SANCTIONS POLICY OF THE DEPARTMENT OF STATE.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the resources and effectiveness of the Office of Terrorism Finance and Economic Sanctions Policy of the Department of State.

(b) CONTENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of how additional resources would enhance the efforts of the Office of Terrorism Finance and Economic Sanctions Policy to initiate, conduct, and complete investigations into violations of United States sanctions policy in a timely and effective manner and carry out its goals and mission.

(2) An assessment of the feasibility and constraints toward increasing personnel numbers or enabling short-term contracting with outside consultants in the Office of Terrorism Finance and Economic Sanctions Policy.

(3) An analysis of the potential impact of increased personnel, contracting authority, and resources for the Office of Terrorism Finance and Economic Sanctions Policy on the timeframe for a typical investigation's initiation, performance, conclusion, and resolution.

Subtitle C—Other Matters

SEC. 221. STATEMENT OF POLICY ON EXISTING UNITED STATES UNDERSTANDINGS WITH ISRAEL.

It is shall be the policy of the United States to uphold and act in accordance with all of the reassurances provided by the President in the April 14, 2004, letter to the Prime Minister of Israel.

SEC. 222. RECOGNITION OF JERUSALEM AS THE CAPITAL OF THE STATE OF ISRAEL AND RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel since 1967;

(2) the President and the Secretary of State should publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel;

(3) the President should immediately implement the provisions of Jerusalem Embassy Act of 1995 (Public Law 104–45) and begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(4) United States officials should refrain from any actions that contradict United States law on this subject.

(b) AMENDING OF WAIVER AUTHORITY.—Subsection (a) of section 7 of the Jerusalem Embassy Act of 1995 (Public Law 104–45) is amended by adding at the end the following new paragraph:

"(4) The Presidential waiver authority granted in this section shall expire on January 1, 2014.".

(c) IDENTIFICATION OF JERUSALEM ON GOVERNMENT DOCUMENTS.—Notwithstanding any other provision of law, any official document of the United States Government that lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

(d) TIMETABLE.—It is the policy of the United States that the United States Embassy in Israel should be established in Jerusalem as soon as possible, and not later than January 1, 2014.

(e) FISCAL YEAR 2012 FUNDING.—Of the funds authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" for the Department of State for fiscal year 2012, not less than $500,000 shall be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

(f) DEFINITION.—In this section, the term "United States Embassy" means the offices of the United States diplomatic mission and the residence of the United States chief of mission.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

SEC. 301. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

"(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member's security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

"(2) Any member of the Foreign Service for whom a suspension is proposed in accordance with paragraph (1) shall be entitled to—

"(A) written notice stating the specific reasons for the proposed suspension;

"(B) a reasonable time to respond orally and in writing to the proposed suspension;

"(C) representation by an attorney or other representative; and

"(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

"(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11.

"(4) In the case of a grievance filed under paragraph (3)—

"(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

"(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

"(5) In this subsection:

"(A) The term 'reasonable time' means—

"(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

"(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

"(B) The term 'suspend' or 'suspension' means the placing of a member of the Foreign Service in a temporary status without duties and pay.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Section 610 of the Foreign Service Act of 1980, as amended by subsection (a) of this section, is further amended, in the section heading, by inserting "; SUSPENSION" before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to section 610 in the table of contents in section 2 of the Foreign Service Act of 1980 is amended to read as follows:

"Sec. 610. Separation for cause; suspension.".

SEC. 302. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.

SEC. 303. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) or (c)";

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting "(A)," after "if"; and

(ii) by inserting before the semicolon at the end the following: ", or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding after paragraph (5) the following new paragraph:

"(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (if such period of time does not permit additional review by boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section."; and

(3) by adding at the end the following new subsection:

"(c) Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment if there is a one year break in service between each such appointment. The Secretary may in cases of special need waive the requirement for a one year break in service.".

SEC. 304. LIMITATION OF COMPENSATORY TIME OFF FOR TRAVEL.

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:

"(c) The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).".

TITLE IV—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 401. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out United States international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) For "International Broadcasting Operations", $741,500,000 for fiscal year 2012.

(2) For "Broadcasting Capital Improvements", $6,875,000 for fiscal year 2012.

(b) LIMITATION.—

(1) RELATING TO VOICE OF AMERICA BROADCASTING TO CHINA.—Of the funds authorized to be appropriated to the Broadcasting Board of Governors, $13,760,000 is authorized to be appropriated only for Voice of America Mandarin and Cantonese language radio and satellite television broadcasting. Such funds may not be used for any other purpose.

(2) RELATING TO SINDHI.—Of the funds authorized to be appropriated to the Broadcasting Board of Governors, $1,500,000 is authorized to be appropriated only for Voice of America Sindhi language communication. Such funds may not be used for any other purpose.

SEC. 402. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107–228; 22 U.S.C. 6206 note), is amended by striking "2009" and inserting "2014".

SEC. 403. EMPLOYMENT FOR INTERNATIONAL BROADCASTING.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended—

(1) by inserting after "suitably qualified United States citizens" the following: "(for purposes of this paragraph, the term 'suitably qualified United States citizens' means those United States citizen applicants who are equally or better qualified than alien applicants)"; and

(2) by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 404. TECHNICAL AMENDMENT RELATING TO CIVIL IMMUNITY FOR BROADCASTING BOARD OF GOVERNORS MEMBERS.

Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)) is amended by striking "Incorporated and Radio Free Asia" and inserting "Incorporated, Radio Free Asia, and Middle East Broadcasting Networks".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. REPORTING REFORM.

The following provisions of law are repealed:

(1) Section 560(g) of Public Law 103–87.

(2) Section 605(c) of App. G, Public Law 106–113.

(3) Section 104 of Public Law 102–511.

(4) Section 704(c) of Public Law 101–179.

(5) Section 1012(c) of Public Law 103–337.

(6) Subsections (c)(4) and (c)(5) of section 601 of Public Law 96–465.

(7) Section 585 in the matter under section 101(c) of division A of Public Law 104–208.

(8) Sections 694(a), 694(b), 704, and 1321 of Public Law 107–228.

(9) Sections 133(d) of Public Law 87–195.

(10) Sections 11(b) of Public Law 107–245.

(11) Section 514(a) of Public Law 103–236.

(12) Section 807 of Public Law 98–164.

SEC. 502. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) STATEMENT OF POLICY.—It is the policy of the United States to assist Israel in its efforts to establish and enhance its diplomatic relations with other responsible countries and to promote Israel's full participation in appropriate multilateral forums.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually for each of the following three years, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) Actions taken by representatives of the United States to encourage other responsible countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

(3) Actions taken by representatives of the United States to encourage Israel's entry into appropriate regional and other groupings, encourage Israel's election to governing bodies of appropriate multilateral forums, and support Israel's membership in appropriate multilateral forums.

(4) Other measures being undertaken, and measures that will be undertaken, by the United States to counter multilateral efforts to isolate Israel, as well as to ensure and promote Israel's full participation in the world diplomatic community.

(c) FORM OF SUBMISSION.—Each report required under subsection (b) shall be submitted in unclassified form but may include a classified annex, if the Secretary of State determines such is appropriate.

SEC. 503. REPORT ON PROGRESS TO AMELIORATE VIOLATIONS OF RELIGIOUS FREEDOM.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

"(g) PROGRESS TO AMELIORATE VIOLATIONS OF RELIGIOUS FREEDOM.—Every five years beginning in 2012, the report required by subsection (d) shall include, wherever applicable, a description of progress to ameliorate violations of religious freedom identified by the United States Commission on International Religious Freedom

by governments of countries designated by the Commission as Countries of Particular Concern."; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

"(j) PROGRESS TO AMELIORATE VIOLATIONS OF RELIGIOUS FREEDOM.—Every five years beginning in 2012, the report required by subsection (b) shall include, wherever applicable, a description of progress to ameliorate violations of religious freedom identified by the United States Commission on International Religious Freedom by governments of countries designated by the Commission as Countries of Particular Concern.".

TITLE VI—PROLIFERATION SECURITY INITIATIVE

SEC. 601. AUTHORITY TO INTERDICT CERTAIN IMPORTS TO AND EXPORTS FROM IRAN.

The President is authorized to—

(1) utilize the Proliferation Security Initiative and other measures necessary to enforce United States laws and Executive Orders, and multilateral and bilateral agreements, including the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, for the purpose of interdicting the import into or export from Iran by the Government of Iran or any other country, entity, or person of any items, materials, equipment, goods, or technology useful for any nuclear, biological, chemical, missile, or conventional arms program; and

(2) utilize ship boarding and other interdiction agreements with countries determined to be necessary to accomplish the purpose specified in paragraph (1).

SEC. 602. REPORT.

(a) IN GENERAL.—Section 2 of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in subsection (b), by striking "6-month period" and inserting "120-day period"; and

(2) by adding at the end the following new subsection:

"(f) ADDITIONAL CONTENTS OF REPORTS.—Each report under subsection (a) shall contain a description, with respect the transfer or acquisition of the goods, services, or technology described in such subsection, of the actions taken by foreign governments to assist in interdicting such transfer or acquisition.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to the first report required to be submitted under section 2 of the Iran, North Korea, and Syria Nonproliferation Act after such date.

SEC. 603. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee of Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) GOVERNMENT OF IRAN.—The term "Government of Iran" means—

(A) any official of the Government of Iran;

(B) any agency or instrumentality of the Government of Iran;

(C) any entity that is owned or controlled, directly or indirectly, by the Government of Iran;

(D) any member or instrumentality of the Iranian Revolutionary Guard Corps (IRGC); or

(E) any entity that is owned or controlled, directly or indirectly by a member or instrumentality of the IRGC.

TITLE VII—PEACE CORPS VOLUNTEER SERVICE PROTECTION

SEC. 701. SEXUAL ASSAULT COMPLAINTS IN THE PEACE CORPS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Peace Corps has begun responding to concerns related to its handling of sexual assault complaints

from its volunteers that have been the subject of media reports and oversight hearings, including by the hiring of a Victim's Advocate.

(b) STATEMENT OF CONGRESS.—Congress looks forward to working cooperatively with the Peace Corps on additional, necessary steps to protect volunteers, including the enactment and implementation of this title.

SEC. 702. PEACE CORPS VOLUNTEER PROTECTION.

The Peace Corps Act is amended by inserting after section 8 (22 U.S.C. 2507) the following new sections:

"SAFETY AND SECURITY AGREEMENT REGARDING PEACE CORPS VOLUNTEERS SERVING IN FOREIGN COUNTRIES

"SEC. 8A. (a) IN GENERAL.—Not later than six months after the date of the enactment of this section, the Director of the Peace Corps shall consult with the Assistant Secretary of State for Diplomatic Security and enter into a memorandum of understanding that specifies the duties and obligations of the Peace Corps and the Bureau of Diplomatic Security of the Department of State with respect to the protection of Peace Corps volunteers and staff members serving in foreign countries, including with respect to investigations of safety and security incidents and crimes committed against such volunteers and staff members.

"(b) INSPECTOR GENERAL REVIEW.—

"(1) REVIEW.—The Inspector General of the Peace Corps shall review the memorandum of understanding described in subsection (a) and be afforded the opportunity to recommend changes that advance the safety and security of Peace Corps volunteers before its entry into force.

"(2) REPORT.—The Director of the Peace Corps shall consider all recommendations of the Inspector General of the Peace Corps regarding the memorandum of understanding described in subsection (a). If the Director enters into such memorandum without addressing a recommendation of the Inspector General, the Director shall submit to the Inspector General an explanation relating thereto.

"(3) FAILURE TO MEET DEADLINE.—

"(A) REQUIREMENT TO SUBMIT REPORT.—If, by the date that is 6 months after the date of the enactment of this section, the Director of the Peace Corps is unable to obtain agreement with the Assistant Secretary of State for Diplomatic Security and certification by the Inspector General of the Peace Corps, the Director shall submit to the committees of Congress specified in subparagraph (C) a report explaining the reasons for such failure.

"(B) LIMITATION ON FUNDS.—If, by the date that is 9 months after the date of the enactment of this section, the memorandum of understanding described in subsection (a) has not entered into force, no funds available to the Peace Corps may be obligated or expended to extend to Peace Corps volunteers invitations for service or to deploy Peace Corps trainees overseas unless the Director of the Peace Corps certifies to the committees of Congress specified in subparagraph (C) that—

"(i) significant progress is being made toward finalizing such memorandum; and

"(ii) the Peace Corps is using best efforts to provide volunteers with the training, support, and information they need to stay safe and secure.

"(C) COMMITTEES OF CONGRESS SPECIFIED.—The committees of Congress specified in this subparagraph are the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) INCLUSION OF TRAINEES.—In this section and sections 8B through 8I, the term 'volunteers' includes trainees.

"SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

"SEC. 8B. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the Director of the Peace Corps shall develop and implement comprehensive sexual assault risk-reduction and response training that conforms to best practices in the sexual assault field as appropriate for first responders and other staff.

"(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the Director of the Peace Corps shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

"(c) SUBSEQUENT TRAINING.—Once a trainee has arrived in such trainee's country of service, the Director of the Peace Corps shall provide such trainee with training

tailored to such country, including cultural training relating to gender relations, risk-reduction strategies, a safety plan in the event of an assault, treatment available in such country (such as forensic rape exams, PEP for HIV exposure, STD screening, and pregnancy testing), MedEvac procedures, and information regarding the legal process for pressing charges against an attacker.

"(d) HISTORICAL ANALYSIS.—The Director of the Peace Corps shall provide each applicant for enrollment with a historical analysis of crimes and risks against volunteers in the country in which the applicant has been invited to serve.

"(e) CONTACT INFORMATION.—The Director of the Peace Corps shall provide each trainee, before each such trainee enrolls as a volunteer, with—

"(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting violations of the sexual assault protocol under section 8C or any other criminal or administrative wrongdoing by volunteers, personnel (including experts and consultants), or other individuals (including contractors) who do business with the Peace Corps; and

"(2) clear, written guidelines regarding whom to contact, including the direct telephone number for a victim advocate and what steps to take in the event of a sexual assault.

"(f) DEFINITIONS.—In this section and sections 8C through 8I:

"(1) ASSAULT.—

"(A) IN GENERAL.—The term 'assault' means an act that—

"(i) creates an apprehension in an individual of an imminent, harmful, or offensive contact; or

"(ii) is a harmful or offensive touching.

"(B) INCLUSION.—The term 'assault' includes stalking and sexual assault.

"(2) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct described in chapter 109A of title 18, United States Code, relating to aggravated sexual abuse, sexual abuse, and sexual contact, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

"(3) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

"(A) fear for his or her safety or the safety of others; or

"(B) suffer substantial emotional distress.

"SEXUAL ASSAULT PROTOCOL AND GUIDELINES

"SEC. 8C. (a) IN GENERAL.—The Director of the Peace Corps shall develop and implement comprehensive sexual assault protocol and guidelines that—

"(1) conform to best practices in the sexual assault field; and

"(2) are applicable to all posts at which volunteers serve.

"(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the Director of the Peace Corps shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

"(c) ELEMENTS.—The sexual assault protocol and guidelines developed under subsection (a) shall include, at a minimum, the following services with respect to a volunteer who has been a victim of sexual assault:

"(1) Protection of such volunteer's confidentiality.

"(2) Provision of a victim's advocate to such volunteer.

"(3) Provision of a sexual assault forensic evidence kit to such volunteer upon request.

"(4) Provision of emergency health care to such volunteer, including, to the greatest extent practicable, a choice of medical providers and a mechanism for such volunteer to evaluate such provider.

"(5) Provision of counseling and psychiatric medication.

"(6) Completion of a safety and treatment plan with such volunteer.

"(7) Evacuation of such volunteer, accompanied by a Peace Corps staffer at the request of such volunteer.

"(8) An explanation to such volunteer of available law enforcement, prosecutorial options, and legal representation.

"(d) DISTRIBUTION AND TRAINING.—The Director of the Peace Corps shall distribute to and train all in-country staff regarding the sexual assault protocol and guidelines developed under subsection (a).

"(e) REMOVAL AND ASSESSMENT AND EVALUATION.—

"(1) IN GENERAL.—If a volunteer feels at risk of imminent bodily harm and requests removal from the site in which such volunteer is serving, the Director of the Peace Corps shall, as expeditiously as practical after receiving such re-

quest, remove such volunteer from such site. If the Director of the Peace Corps receives such a request, the Director of the Peace Corps shall assess and evaluate the safety of such site and may not assign another volunteer to such site until such time as such assessment and evaluation is complete and such site has been determined to be safe.

"(2) DETERMINATION OF SITE AS UNSAFE.—Volunteers may remain at a site during an assessment and evaluation under paragraph (1). If the Director the Peace Corps determines that a site is unsafe, the Director of the Peace Corps shall, as expeditiously as practical, remove all volunteers from such site.

"(f) SEXUAL ASSAULT RESPONSE TEAMS.—The Director of the Peace Corps shall establish sexual assault response teams, including Safety and Security Officers, medical staff, and a victim advocate, that can respond to reports of sexual assault against a volunteer.

"(g) CASE REVIEW.—The Director of the Peace Corps shall conduct case reviews of a statistically significant number of cases on a quarterly basis to determine if proper procedures were followed in accordance with the sexual assault protocols and guidelines developed under subsection (a) and including the elements specified in subsection (c).

"(h) TRACKING AND RECORDING.—The Director of the Peace Corps shall establish a global tracking and recording system to track and record incidents of assault against volunteers.

"(i) PROHIBITION ON COMBINING INCIDENTS.—The Director of the Peace Corps may not combine into one incident for purposes of tracking and recording under subsection (h) reports by different volunteers of assault against such volunteers even if such assaults were committed by one individual against such volunteers at any one time.

"(j) ALTERNATIVE SYSTEMS.—The Director of the Peace Corps shall establish an alternative reporting system and hotline access system through which volunteers who are victims of assault can report and receive support on an anonymous basis. Such alternative systems shall be published in the Volunteer Handbook.

"VICTIMS ADVOCATES

"SEC. 8D. (a) VICTIMS ADVOCATES.—

"(1) IN GENERAL.—The Director of the Peace Corps shall assign a certified victims advocate in Peace Corps headquarters who shall report directly to the Director. The Director of the Peace Corps shall assign such additional certified victims advocates to assist such victims advocate as the Director determines necessary. Such additional victims advocates shall have regional expertise and may be posted abroad if such victims advocate determines that such is necessary.

"(2) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Peace Corps should assign three additional certified victims advocates to assist the certified victims advocate under paragraph (1).

"(3) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victims advocates. The victims advocate and additional victims advocates may not have any other duties in the Peace Corps.

"(4) EXEMPTION.—The victims advocate and additional victims advocates shall be exempt from the five year rule on appointments and assignments under section 7.

"(b) RESPONSIBILITIES.—The victims advocate and additional victims advocates shall help develop and implement the sexual assault risk-reduction and response training described in section 8B and the sexual assault protocol and guidelines described in section 8C and ensure such training and such protocol and guidelines are being properly updated and followed. The victims advocate and additional victims advocates shall assist volunteers who are victims of assault by making such victims aware of the services specified in section 8C(c) available to them and facilitating their access to such services.

"(c) STATUS UPDATES.—The victims advocate and additional victims advocates shall provide to volunteers who are victims of assault regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

"(d) TRANSITION.—A victims advocate who is working with a volunteer who is a victim of assault and who relocates back to the United States shall assist such volunteer to receive the services specified in section 8C(c) required by such volunteer, including through the duration of the claim with the Department of Labor, even after such volunteer is medically separated.

"ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL

"SEC. 8E. (a) ESTABLISHMENT.—There is established in the Peace Corps a Sexual Assault Advisory Council (in this section referred to as the 'Council').

"(b) MEMBERSHIP.—The Council shall be composed of individuals selected by the Director of the Peace Corps who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field.

"(c) FUNCTIONS; MEETINGS.—The Council shall meet not less often than annually to review the sexual assault risk-reduction and response training developed under section 8B, sexual assault policy developed under section 8C, and the confidentiality policy developed under section 8G to ensure that such training and policies conform to best practices in the sexual assault field.

"(d) REPORTS.—The Council shall annually submit to the Director of the Peace Corps and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on its findings based on the reviews conducted pursuant to subsection (c).

"(e) FEDERAL EMPLOYEES.—Members of the Council shall not be considered Federal employees for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance.

"(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

"VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

"SEC. 8F. (a) MONITORING AND EVALUATION.—Not later than one year after the date of the enactment of this section, the Director of the Peace Corps shall establish goals, metrics, and monitoring and evaluation plans for all Peace Corps programs and Country Directors. Monitoring and evaluation plans shall incorporate best practices from monitoring and evaluation studies and analyses.

"(b) ANNUAL VOLUNTEER SURVEYS.—The Director of the Peace Corps shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers.

"(c) PEACE CORPS INSPECTOR GENERAL.—The Inspector General of the Peace Corps shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and Committee on Foreign Relations and the Committee on Appropriations of the Senate the following:

"(1) A biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports.

"(2) A report, not later than two years after the date of the enactment of this section and every five years thereafter, evaluating the effectiveness and implementation of the assault risk-reduction and response training developed under section 8B and the sexual assault protocol and guidelines developed under section 8C.

"(3) A trend analysis every three years of the annual volunteer surveys, including actions taken in response to such surveys.

"(4) A report, not later than two years after the date of the enactment of this section, describing how Country Directors are hired, how Country Directors are terminated, and how Country Directors hire staff.

"(d) EVALUATION DEFINED.—For purposes of this section, the term 'evaluation' means the systematic collection and analysis of information about the characteristics and outcomes of programs and projects as a basis for judgments, to improve effectiveness, or inform decisions about current and future programming.

"NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION

"SEC. 8G. (a) IN GENERAL.—The Director of the Peace Corps shall establish and maintain a process to allow volunteers to report incidents of assault, incidents of misconduct or mismanagement, or violations of any policy of the Peace Corps in order to protect the confidentiality as described in subsection (c) and safety of such volunteers and of the information reported, and to ensure that such information is acted on appropriately. The Director of the Peace Corps shall train all volunteers and staff about such process.

"(b) GUIDANCE.—The Director of the Peace Corps shall provide guidance to officers and employees of the Peace Corps who have access to the information reported by volunteers under subsection (a) in order to protect against the inappropriate disclosure of such information and ensure the safety of such volunteers.

"(c) NONDISCLOSURE.—

"(1) IN GENERAL.—Except as provided in paragraphs (1) and (2), the Director of the Peace Corps may not—

"(A) disclose any personally identifying information or personal information of a volunteer who is a victim of assault collected in connection with services requested, utilized, or denied through Peace Corps programs; or

"(B) reveal such information without the informed, purpose-limited, and reasonably time-limited consent of such volunteer about whom such information is sought.

"(2) RELEASE.—If the release of information described in paragraph (1) is authorized by statute or compelled by court order, the Director of the Peace Corps shall—

"(A) make reasonable attempts to provide notice to the volunteer with respect to whom such information is being released; and

"(B) take such action as is necessary to protect the privacy and safety of such volunteer.

"(3) INFORMATION SHARING.—The Director of the Peace Corps may share—

"(A) nonpersonally identifying information in the aggregate regarding services to volunteers and nonpersonally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements;

"(B) nonpersonally identifying information that would protect the safety of volunteers;

"(C) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

"(D) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

"(d) DEFINITION.—In this section, the terms 'personally identifying information' and 'personal information' mean information for or about a volunteer who is a victim of assault, including information likely to disclose the location of such victim, including the following:

"(1) A first and last name.

"(2) A home or other physical address.

"(3) Contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number).

"(4) A social security number.

"(5) Any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with paragraphs (1) through (4), would serve to identify such victim.

"REPORTING REQUIREMENTS

"SEC. 8H. (a) ASSAULT AND SEXUAL ASSAULT.—The Director of the Peace Corps shall annually submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report summarizing information on—

"(1) sexual assault against volunteers;

"(2) assault against volunteers; and

"(3) the annual rate of early termination of volunteers, including, to the maximum extent practicable, demographic data associated with such early termination.

"(b) GAO.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report evaluating the quality and accessibility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

"(c) SAFETY AND SECURITY.—

"(1) IN GENERAL.—The Director of the Peace Corps shall annually submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the safety of Peace Corps volunteers. Each such report shall at a minimum include the following information:

"(A) The incidence of crimes, together with the number of arrests, prosecutions, and incarcerations for every country in which volunteers serve for the preceding year.

"(B) A three year trend analysis of the types and frequency of crimes committed against volunteers for every country in which the Peace Corps has operated for at least the three preceding years.

"(2) INSPECTOR GENERAL AUDIT.—Not later than two years after the date of the enactment of this section and at least once every five years thereafter (or more frequently as appropriate), the Inspector General of the Peace Corps shall perform an audit of Peace Corps implementation of safety and security protocols, including the status of any Inspector General findings and recommendations from previous audits that have not been adequately remediated or implemented.

"(d) ACCESS TO COMMUNICATIONS.—

"(1) IN GENERAL.—The Director of the Peace Corps, in coordination with all Country Directors, shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

"(2) REPORT.—Not later than six months after the date of the enactment of this section, the Director of the Peace Corps shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the costs of providing all volunteers with access to adequate communication, including cellular service and Internet access.

"(e) MONITORING AND EVALUATION.—Not later than one year after the date of the enactment of this section and annually thereafter, the Director of the Peace Corps shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the monitoring and evaluation of Peace Corps programs and Country Directors, including information on the following:

"(1) A description of the monitoring and evaluation activities conducted in the preceding year.

"(2) A forecast of the monitoring and evaluation activities planned for the subsequent year.

"(3) A description of the ways in which the results of the monitoring and evaluation activities have informed the design and operation of development policies and programs during the preceding year.

"PORTFOLIO REVIEWS

"SEC. 8I. (a) IN GENERAL.—The Director of the Peace Corps shall, at least once every three years (or more frequently as appropriate), perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

"(1) An evaluation of the country's commitment to the Peace Corps program.

"(2) An analysis of the safety and security of volunteers.

"(3) An evaluation of the country's need for assistance.

"(4) An analysis of country program costs

"(5) An evaluation of the effectiveness of management of each post within the country.

"(6) An evaluation of the country's congruence with the Peace Corps' mission and strategic priorities.

"(b) REPORT.—The Director of the Peace Corps shall prepare a report on each portfolio review required under subsection (a). Each such report shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of the Inspector General of the Peace Corps, and any external sources) in making each such review's findings and conclusions. The Director shall make each such report available upon request to the Chairman and Ranking Member of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in a manner consistent with the protection of classified information if determined necessary to protect sensitive information.".

SEC. 703. CONFORMING AMENDMENTS.

(a) INCLUSION OF SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING.—The Peace Corps Act is amended—

(1) in section 5(a) (22 U.S.C. 2504(a)), in the second sentence, by inserting "(including training under section 8B)" after "training"; and

(2) in section 8(a) (22 U.S.C. 2507(a)), in the first sentence, by inserting ", including training under section 8B," after "training".

(b) CERTAIN SERVICES.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended, in the first sentence—

(1) by inserting "(including, if necessary, for such volunteers and for trainees, services under section 8C(c))" after "health care"; and

(2) by inserting "including services provided in accordance with section 8C(c) (except that the six-month limitation shall not apply in the case of such services)" before "as the President".

SEC. 704. INDEPENDENCE OF THE INSPECTOR GENERAL OF THE PEACE CORPS.

Section 7(a) of the Peace Corps Act (22 U.S.C. 2506(a)) is amended by adding at the end the following new paragraph:

"(7) The limitations specified in subparagraph (A) of paragraph (2) on the length of appointment or assignment under such paragraph, subparagraph (B) of paragraph (2) on reappointment or reassignment of an individual whose appointment or assignment under such paragraph has been terminated, and paragraph (5) on the circumstances under which an appointment or assignment under paragraph (2) may exceed five years shall not apply to—

"(A) the Inspector General of the Peace Corps; and

"(B) officers and employees of the Office of the Inspector General of the Peace Corps.".

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under section 911(a), there is authorized to be appropriated for the Peace Corps $375,000,000 for fiscal year 2012, of which not less than $4,637,000 is authorized to be appropriated for the Office of the Inspector General of the Peace Corps.

TITLE VIII—NUCLEAR NONPROLIFERATION

SEC. 801. WITHDRAWAL FROM THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to oppose the withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (in this section referred to as the "Treaty") of any country that is a party to the Treaty and to use all political, economic, and diplomatic means at its disposal to deter, prevent, or reverse any such withdrawal from the Treaty.

(b) PROHIBITION ON CERTAIN ASSISTANCE.—Notwithstanding any other provision of law, no assistance (other than humanitarian assistance) under any provision of law may be provided to a country that has withdrawn from the Treaty on or after the date of the enactment of this Act.

(c) RETURN OF ALL UNITED STATES-ORIGIN MATERIALS AND EQUIPMENT.—The United States shall seek the return of any material, equipment, or components transferred under an agreement for civil nuclear cooperation that is in force pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) on or after the date of the enactment of this Act, and any special fissionable material produced through the use of such material, equipment, or components previously provided to a country that withdraws from the Treaty.

SEC. 802. PROHIBITION ON ASSISTANCE TO STATE SPONSORS OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.

(a) PROHIBITION ON ASSISTANCE.—The United States shall not provide any assistance under Public Law 87–195, Public Law 90–629, the Food for Peace Act, the Peace Corps Act, or the Export-Import Bank Act of 1945 to any country if the Secretary of State determines that the government of such country has repeatedly provided support for acts of proliferation of equipment, technology, or materials to support the design, acquisition, manufacture, or use of weapons of mass destruction or the acquisition or development of ballistic missiles to carry such weapons.

(b) PUBLICATION OF DETERMINATIONS.—Each determination of the Secretary of State under subsection (a) shall be published in the Federal Register.

(c) RESCISSION.—A determination of the Secretary of State under subsection (a) may not be rescinded unless the Secretary submits to the appropriate congressional committees—

(1) before the proposed rescission would take effect, a report certifying that—

(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(B) the government is not supporting acts of proliferation of equipment, technology, or materials to support the design, acquisition, manufacture, or use of weapons of mass destruction; and

(C) the government has provided assurances that it will not support such acts in the future; or

(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(A) the government of the country concerned has not provided any support for acts of proliferation of equipment, technology, or materials to support the design, acquisition, manufacture, or use of weapons of mass destruction during the preceding 24-month period; and

(B) the government has provided assurances that it will not support such acts of proliferation in the future.

(d) WAIVER.—The President may waive the requirements of subsection (a) on a case-by-case basis if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver of such requirements, except that humanitarian reasons may not be used to justify the waiver of such requirements to provide security assistance under Public Law 87–195, Public Law 90–629, or the Export-Import Bank Act of 1945; and

(2) at least 15 days before the waiver takes effect, the President consults with the appropriate congressional committees regarding the proposed waiver and submits to such committees a report containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons that require the waiver;

(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

SEC. 803. ADDITIONAL PROTOCOL AS A CRITERION FOR UNITED STATES ASSISTANCE.

(a) STATEMENT OF POLICY.—It is the policy of the United States to ensure that each country that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons should bring into force an Additional Protocol to its safeguards agreement with the IAEA.

(b) CRITERION FOR ASSISTANCE.—The United States shall, when considering the provision of assistance under Public Law 87–195 or Public Law 90–629 to a country that is a party to the Treaty on the Nonproliferation of Nuclear Weapons, take into consideration whether the proposed recipient has in force an Additional Protocol to its safeguards agreement with the IAEA.

TITLE IX—FOREIGN ASSISTANCE

Subtitle A—General Provisions

SEC. 901. GOALS OF UNITED STATES ASSISTANCE.

(a) GOALS OF ASSISTANCE.—United States foreign assistance should be designed to further the national interests of the United States by achieving the following interrelated and mutually-reinforcing goals:

(1) Reduce global poverty and alleviate human suffering.

(2) Advance peace and mitigate crises.

(3) Support human rights and democracy.

(4) Build and reinforce strategic partnerships.

(5) Combat transnational threats.

(6) Sustain the global environment.

(7) Expand prosperity through trade and investment.

(b) FINDINGS.—Congress makes the following findings:

(1) In December 2007, the United States Government's Commission on Helping to Enhance the Lives of Poor People Around the Globe, also known as the "HELP Commission," reported that sustained economic growth is vital and necessary for a country to feed, educate, house and provide for the health of its citizens over the long term and that "foreign assistance alone is not sufficient to help developing countries achieve long-term, sustainable economic growth".

(2) Private sector-led trade and investment are fundamental components of economic development and growth.

(3) The United States Agency for International Development's Global Development Alliance program characterizes the rising importance of private resources and private actors as development tools in an expanding and more integrated globalized economy, aligning public resources with private capital through the

establishment of public-private partnerships for the economic advancement of impoverished countries.

(4) In an increasingly interdependent world, the health, prosperity, freedom, and security of the people of the United States are strengthened when the people of all countries can enjoy these same advantages.

(5) United States foreign assistance should be designed to help build the capacity of other countries to meet the needs of their people and to conduct themselves responsibly in the international system.

(6) Foreign assistance is not only a reflection of the values, generosity, and goodwill of the people of the United States, but also an essential means for achieving United States foreign policy, economic, and national security objectives.

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

(1) help build and sustain an international community composed of states that meet basic human needs, resolve conflicts peacefully, respect fundamental human rights, cooperate to address issues that transcend national boundaries, use wisely the world's limited resources in a sustainable manner, and work toward the achievement of economic well-being for all people;

(2) emphasize the development of innovative partnerships between governments and organizations in the private sector (including corporations, foundations, universities, faith-based organizations, and other nongovernmental organizations) in the approach to and distribution of foreign assistance; and

(3) focus United States assistance programs on achieving sustainable economic growth and graduating United States aid recipients into a trade-based relationship with the United States.

SEC. 902. GUIDELINES FOR UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to evaluate the performance of United States foreign assistance programs and their contribution to policy, strategies, projects, program goals, and priorities undertaken by the Federal Government, to foster and promote innovative programs to improve the effectiveness of such programs, and to coordinate the monitoring and evaluation processes of Federal departments and agencies that administer such programs.

(b) ESTABLISHMENT OF GUIDELINES.—The President, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the head of the Millennium Challenge Corporation, and the Secretary of Defense, shall establish guidelines regarding the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied on a uniform basis to United States foreign assistance programs, country assistance plans, and international and multilateral assistance programs receiving financial assistance from the United States. Such guidelines shall be established according to best practices of monitoring and evaluation studies and analyses.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—Such guidelines shall provide direction to Federal departments and agencies that administer United States foreign assistance programs on how to develop the complete range of activities relating to the monitoring of resources, the evaluation of projects, the evaluation of program impacts, and analysis that is necessary for the identification of findings, generalizations that can be derived from those findings, and their applicability to proposed project and program design.

(2) OBJECTIVES.—Specifically, the guidelines shall provide direction on how to achieve the following objectives for monitoring and evaluation programs:

(A) Building measurable goals, performance metrics and monitoring and evaluation into program design at the outset, including the provision of sufficient program resources to conduct monitoring and evaluation.

(B) Disseminating guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation and management of foreign assistance programs.

(C) Developing a clearinghouse capacity for the dissemination of knowledge and lessons learned to United States development professionals, implementing partners, the international aid community, and aid recipient governments, and as a repository of knowledge on lessons learned.

(D) Distributing monitoring and evaluation reports internally and making this material available online to the public. Furthermore, providing a summary including a description of methods, key findings and recommendations to the public on-line in a fully searchable form within 90 days after the completion of the evaluation. Principled exceptions will be made in cases of classified or proprietary material.

(E) Establishing annual monitoring and evaluation agendas and objectives that are responsive to policy and programmatic priorities.

(F) Applying rigorous monitoring and evaluation methodologies, choosing from among a wide variety of qualitative and quantitative methods common in the field of social scientific inquiry.

(G) Partnering with the academic community, implementing partners, and national and international institutions that have expertise in monitoring and evaluation and analysis when such partnerships will provide needed expertise or will significantly improve the evaluation and analysis.

(H) Developing and implementing a training plan for aid personnel on the proper conduct of monitoring and evaluation programs.

(d) ROLE OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The head of each Federal department and agency that administers United States foreign assistance programs shall implement such guidelines.

(e) EVALUATION DEFINED.—In this section, the term "evaluation" means, with respect to a United States foreign assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program and projects under the program as a basis for judgments, to improve effectiveness, and to inform decisions about current and future programming.

SEC. 903. REPORT.

Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report that contains a detailed description of the guidelines that have been developed on measurable goals, performance metrics, and monitoring and evaluation plans established under section 902 for United States foreign assistance programs.

Subtitle B—Authorizations of Appropriations

SEC. 911. BILATERAL ECONOMIC ASSISTANCE.

(a) IN GENERAL.—Not more than $21,207,400,000 is authorized to be appropriated to the President for "Bilateral Economic Assistance" for fiscal year 2012.

(b) DEVELOPMENT CREDIT AUTHORITY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) access to financial services for underserved populations and sectors in developing countries is essential to expanding economic opportunities for poor households and small businesses to build assets and invest in enterprise development and growth; and

(B) the Development Credit Authority, through the issuance of partial loan guarantees, has proven to be a vital and effective tool in bolstering microenterprise development in impoverished countries by reducing the risk of private investors and financial institutions that invest in underserved sectors or creditworthy borrowers that otherwise would not qualify for such loans.

(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under subsection (a), not more than $8,300,000 is authorized to be appropriated to the President for administrative expenses to carry out credit programs administered by the United States Agency for International Development for fiscal year 2012.

(c) MILLENNIUM CHALLENGE CORPORATION.—

(1) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under subsection (a), not more than $900,000,000 is authorized to be appropriated to the President for necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 for fiscal year 2012.

(2) MAINTAINING CANDIDATE STATUS FOR PURPOSES OF INCOME CATEGORY.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

"(c) MAINTAINING CANDIDATE STATUS.—Any candidate country whose per capita income changes in a given fiscal year such that the country's income-classification as 'low income' or 'lower middle income' changes, should retain its candidacy at the former income category only for the year of such transition.".

(d) DEMOCRACY FUND.—Of the amounts authorized to be appropriated under subsection (a), not more than $115,000,000 is authorized to be appropriated to the President for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally for fiscal year 2012.

SEC. 912. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

Not more than $1,521,900,000 is authorized to be appropriated to the President for "Operating Expenses", "Capital Investment Fund", and "Office of Inspector General" of the United States Agency for International Development for fiscal year 2012.

SEC. 913. NONPROLIFERATION, ANTITERRORISM, AND DEMINING.

Not more than $708,540,000 is authorized to be appropriated to the President for nonproliferation, antiterrorism, and demining programs for fiscal year 2012.

SEC. 914. INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.

Not more than $1,597,000,000 is authorized to be appropriated to the President for international narcotics control and law enforcement programs for fiscal year 2012.

SEC. 915. PARTNERSHIPS BETWEEN BUSINESSES AND POSTSECONDARY EDUCATIONAL INSTITUTIONS IN AFRICA.

(a) FINDINGS.—Congress finds the following:

(1) There is a growing need in developing countries in Africa to educate and properly train future business leaders in such a way to help them adapt to the demanding complexities of leadership.

(2) This growing need has led to the call for Africa to develop and train the next generation of leaders that will bring Africa forward into a peaceful and prosperous new century and ensure that democracy lasts across the continent.

(3) One of the ways to help train the next generation of leaders is through entrepreneurial education, entrepreneurship may be one of the most important channels through which education raises economic productivity.

(4) All youth should be provided with the access to any and all opportunities to develop skills, attitudes, and abilities that are needed in later life that can lead to entrepreneurship and leadership.

(5) One of the goals of educators should be to train students to become self-employed after graduation and produce the goods and services that are needed locally, thereby initiating significant internal economic activity.

(6) It is important that the youth be assisted to achieve higher levels of access and entry into the economy as potentially self-employed people since there are simply not enough employment opportunities within the private and public sectors for them all.

(7) Business and management education is especially critical in Africa where, in the face of huge shortages in both the private and public sectors, only 50 business schools exist to serve nearly 800 million people, compared with 1,000 business schools in India and 1,200 in the United States.

(8) While many institutions in Africa do offer a business certificate/degree, the training can lack certain practical elements, which makes it difficult for graduates to readily apply their skills in the real-world.

(9) Educational institutions are not rapidly responding to this urgent challenge.

(b) PARTNERSHIPS BETWEEN BUSINESSES AND POSTSECONDARY EDUCATIONAL INSTITUTIONS IN AFRICA.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 105 the following new section:

"SEC. 105A. ASSISTANCE TO ESTABLISH PARTNERSHIPS BETWEEN BUSINESSES AND POSTSECONDARY EDUCATIONAL INSTITUTIONS IN DEVELOPING COUNTRIES IN AFRICA.

"(a) ASSISTANCE AUTHORIZED.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide assistance, on such terms and conditions as the President may determine, to establish partnerships between businesses and postsecondary educational institutions in developing countries in Africa to further the education and entrepreneurship skills of students at such institutions in order to increase economic freedom and competitiveness, promote civil society, and improve the quality of life in such countries.

"(b) ACTIVITIES SUPPORTED.—Assistance provided under subsection (a) shall, to the maximum extent practicable, be used to—

"(1) enable students at postsecondary educational institutions in developing countries in Africa to practice in the field what they are learning in the classroom and thereby acquire relevant business and management experience;

"(2) provide opportunities for individuals in developing countries in Africa who are unable to receive a formal education to benefit from the transfer of knowledge and skills by students described in paragraph (1); and

"(3) carry out other appropriate activities, including—

"(A) training students described in paragraph (1) and faculty to build sustainable programs;

"(B) institutionalizing and promoting sustainability of program leadership;

"(C) supporting the launch and development of new in-country operations;

"(D) investing in other United States assistance programs for long-term sustainability and support of African programs; and

"(E) demonstrating results and sharing best practices.

"(c) REPORT.—The President shall transmit to Congress a report on the implementation of this section for each of the fiscal years 2012 through 2016. The report shall include an assessment of the impact of the assistance provided under subsection (a) and an analysis of the extent to which such assistance could be provided in other regions of the world.".

Subtitle C—Prohibitions on Assistance

PART I—GENERAL PROVISIONS

SEC. 921. COUNTRIES THAT FAIL TO MEET MCC'S CORRUPTION PERFORMANCE INDICATOR.

(a) RESTRICTION.—Except as provided in subsection (b), no United States economic or development assistance authorized to be appropriated by this Act or any amendment made by this Act may be provided to the government of a country that does not meet the corruption performance indicator of the Millennium Challenge Corporation used for purposes of determining eligibility for assistance under the Millennium Challenge Act of 2003.

(b) WAIVER.—The President may waive the restriction on assistance under subsection (a) on a case-by-case basis for a period of not more than 6 months if—

(1) the President determines that such a waiver is important to the national security interests of United States; and

(2) the President provides to the appropriate congressional committees at least 15 days prior to exercising the waiver a report on concrete steps that the recipient country has undertaken to meet the corruption benchmarks and on United States implementation and enforcement of end-use monitoring mechanisms in the country to ensure United States assistance provided is being used as intended.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

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

SEC. 922. FOREIGN ORGANIZATIONS THAT PROMOTE OR PERFORM ABORTION.

None of the funds authorized to be appropriated by this Act or any amendment made by this Act may be made available to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.

SEC. 923. DEVELOPMENT INNOVATION VENTURES PROGRAM.

(a) PROHIBITION.—No funds available to the United States Agency for International Development (USAID) may be used to carry out the Development Innovation Ventures (DIV) program or any successor program.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to funds available to USAID for the DIV program or any successor program that are made available on or after such date of enactment.

SEC. 924. COUNTRIES THAT OPPOSE THE POSITION OF THE UNITED STATES IN THE UNITED NATIONS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or any amendment made by this Act may be provided as bilateral economic assistance to a foreign government that opposed the position of the United States in the United Nations.

(b) DEFINITIONS.—In this section—

(1) the term "opposed the position of the United States" means, in the case of a country, that the country's recorded votes in the United Nations General Assembly during the most recent session of the General Assembly and, in the case of a country which is a member of the United Nations Security Council, the country's recorded votes both in the Security Council and the General As-

sembly during the most recent session of the General Assembly, were the same as the position of the United States less than 50 percent of the time, using for this purpose a comparison of the recorded vote cast by each member country with the recorded vote cast by the United States, as described in the annual report submitted to Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and

(2) the term "most recent session of the General Assembly" means the most recently completed plenary session of the General Assembly for which a comparison of the vote cast by each member country with the vote cast by the United States is described in the most recent report submitted to Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991.

(c) WAIVER.—The President may waive the requirements in subsection (a) on a case-by-case basis if the President determines and certifies to the appropriate congressional committees not less than 15 days prior to the exercise of waiver authority that the exercise of such waiver authority is important to the national interests of the United States.

SEC. 925. SUPPORT FOR ACTIVITIES OF THE GLOBAL CLIMATE CHANGE INITIATIVE.

None of the funds authorized to be appropriated by this Act or any amendment made by this Act may be made available to support activities of the Global Climate Change Initiative.

SEC. 926. TRILATERAL ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) During fiscal years 2009 and 2010, the United States Agency for International Development provided the Government of South Africa with $2,500,000 to support the Trilateral Assistance Program, a program through which the Government of South Africa provides technical assistance to third countries in Africa.

(2) $1,500,000 was requested for fiscal year 2011 and $1,530,000 has been requested for fiscal year 2012.

(3) South Africa has been recognized, along with Brazil, Russia, India, and China, as having one of the world's largest, rapidly growing economies and has become a donor nation.

(4) Further, while South Africa still faces enormous development challenges, including one of the highest HIV/AIDS infections rates in the world, this funding is not used to support development programs within South Africa.

(5) Using the Government of South Africa as a pass-through for foreign assistance made available through the generosity of the American taxpayer diminishes the public diplomacy value of this assistance for the United States, while enhancing South Africa's own standing in the region.

(6) In a time of domestic financial crisis, continued support for the Trilateral Assistance Program cannot continue.

(b) PROHIBITION.—None of the funds authorized to be appropriated under section 911(a) may be used to support the Trilateral Assistance Program in South Africa.

PART II—COUNTRY AND ORGANIZATION-SPECIFIC PROVISIONS

SEC. 931. LIMITATION ON ASSISTANCE TO ARGENTINA, VENEZUELA, NICARAGUA, ECUADOR, AND BOLIVIA.

None of the funds authorized to be appropriated under this Act may be made available for assistance to the governments of Argentina, Venezuela, Nicaragua, Ecuador, or Bolivia.

SEC. 932. MUSLIM BROTHERHOOD.

The Secretary of State may not use any funds made available under this Act for direct or indirect assistance to the Muslim Brotherhood.

SEC. 933. PALESTINIAN AUTHORITY.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating the second section 620J (as added by section 651 of Public Law 110–161) as section 620M; and

(2) by adding at the end the following:

"SEC. 620N. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

"(a) LIMITATION.—Funds may not be provided under this Act to the Palestinian Authority except during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter—

"(1) the President shall certify in writing, to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Foreign Affairs of the House of Representatives and Foreign Relations of the Senate that leaders of the Palestinian Authority or any caretaker or follow-on government have not unilaterally declared independence in 2011 or thereafter, are engaged in peace negotiations with the State of Israel, and are not pursuing recognition of Palestinian statehood at the United Nations; or

"(2) if the President is unable to make such a certification, the President shall transmit to the individuals and committees described in paragraph (1) a report that contains the reasons therefor.

"(c) WAIVER.—The President may waive subsection (a) if—

"(1) the President determines that it is vital to the national security interest of the United States to do so; and

"(2) the President transmits to the individuals and committees described in subsection (b)(1) a report detailing—

"(A) the justification for the waiver, the purposes for which the funds for the Palestinian Authority will be spent, and the reasons the President is unable to make the certification contained in subsection; and

"(B) the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons, dismantle terrorist infrastructure, halt incitement, and to promote peace with the Jewish state of Israel.".

SEC. 934. SRI LANKA.

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds made available to carry out this Act may be used to provide assistance to Sri Lanka unless a certification described in subsection (b) is in effect.

(2) EXCEPTION.—The limitation on funds under paragraph (1) shall not apply with respect to democracy and governance assistance, humanitarian assistance, and assistance for demining activities.

(b) CERTIFICATION.—A certification described in this subsection is a certification submitted by the Secretary of State to the appropriate congressional committees that contains a determination of the Secretary of State that the Government of Sri Lanka is making demonstrable progress in the following areas:

(1) Accountability for those involved in violations of human rights and war crimes at the end of Sri Lanka's civil war in May 2009, including by any remaining members of the Liberation Tigers of Tamil Eelam (LTTE).

(2) Reconciliation, including —

(A) the establishment of a mechanism to account for events that occurred at the end of the civil war;

(B) information from the government on what happened to those missing at the end of the civil war; and

(C) expeditious release of those remaining in detention.

(3) Withdrawal of emergency regulations.

(4) An improved climate for freedom of the press throughout the country.

(c) WAIVER.—The Secretary of State may waive the limitation on funds under subsection (a) on a case-by-case basis if the Secretary determines that it is in the national interests of the United States to do so.

SEC. 935. FORMER YUGOSLAV REPUBLIC OF MACEDONIA.

(a) FINDINGS.—Congress finds the following:

(1) Greece has demonstrated an enormous good will gesture in agreeing that "Macedonia" may be included in the future name of the Former Yugoslav Republic of Macedonia (FYROM) as long as that term is combined with a geographic qualifier that makes it clear that there are no territorial ambitions on the part of the FYROM with regard to the historical boundaries of the Greek province of Macedonia.

(2) The FYROM continues to utilize materials that violate provisions of the United Nations-brokered Interim Agreement between the FYROM and Greece regarding incendiary rallies, rhetoric, or propaganda, and United Nations-led negotiations between the FYROM and Greece have so far failed to achieve the longstanding goals of the United States and the United Nations to find a mutually acceptable, new official name for the FYROM.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all United States assistance to the FYROM should be conditioned on the FYROM's willingness to engage in meaningful discussions with Greece in accordance with United Nations Security Council Resolution 817.

(c) LIMITATION.—The Secretary of State may not use funds authorized to be appropriated under this Act for programs and activities that directly or indirectly promote incendiary rallies, rhetoric, or propaganda by state-controlled agencies of the FYROM or encourage acts by private entities likely to incite violence, hatred, or hostility, including support for printing and publishing of textbooks, maps, and teaching aids that may include inaccurate information on the histories and geographies of Greece and FYROM.

Subtitle D—Administrative Provisions

SEC. 941. TRANSFER OF LIQUIDATED ASSETS OF CERTAIN ENTERPRISE FUNDS TO THE UNITED STATES TREASURY.

(a) TRANSFER OF LIQUIDATED ASSETS.—The President, acting through the Administrator of the United States Agency for International Development, should transfer to the Treasury of the United States for purposes of payment on the public debt not less than 50 percent of all assets from the liquidation, dissolution, or winding up of each Enterprise Fund described in subsection (b).

(b) ENTERPRISE FUNDS DESCRIBED.—The Enterprise Funds described in this subsection are the following:

(1) The U.S.-Russia Investment Fund and the Western Newly Independent States Enterprise Fund established pursuant to section 498b(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295b(c)).

(2) The Baltic-American Enterprise Fund established pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

(3) The South African Enterprise Development Fund established pursuant to sections 496 and 635(b) of the Foreign Assistance Act of 1961.

SEC. 942. LIMITATION ON FUNDS FOR USAID'S OFFICE OF BUDGET AND RESOURCE MANAGEMENT.

(a) STATEMENT OF POLICY.—In order to better align budget resources with United States foreign assistance strategic priorities and objectives, to establish clearer lines of authority and enhance accountability between agencies, to reduce replication of foreign assistance programs, and to ensure better efficiency and effectiveness of United States foreign assistance programs, it shall be the policy of the United States to vest budget authorities and policy planning for all United States foreign assistance within one office at the Department of State that shall complete the Federal budgets for both the Department of State and the United States Agency for International Development.

(b) OFFICE OF BUDGET AND RESOURCE MANAGEMENT.—None of the funds authorized to be appropriated by this Act or any amendment made by this Act may be used to support the costs of maintaining the Office of Budget and Resource Management of the United States Agency for International Development.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that contains a feasibility study and strategy—

(A) to eliminate duplicative bureaus, offices, and positions, including an assessment and recommendations for the elimination of special envoys and special representatives; and

(B) to consolidate such bureaus, offices, and positions, as necessary and appropriate, in a manner which maximizes efficiency and effectiveness of United States foreign policy and assistance.

(2) MATTERS TO BE INCLUDED.—The report shall include a cost estimate for the establishment of additional bureaus and offices of the Department of State and the United States Agency for International Development, as requested by the Secretary of State in the most recent Quadrennial Diplomacy and Development Review, with any cost offsets created by the elimination of existing bureaus, offices, and positions.

SEC. 943. LIMITATION ON USAID TRAINING CONTRACTS UNDER THE MERIDA INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, the United States and Mexico announced the Merida Initiative, a multi-year partnership to fight organized crime and associated violence while furthering respect for human rights and the rule of law in the region.

(2) One of the Merida Initiative's four primary goals is to improve the capacity of justice systems in the region.

(3) In April 2009, USAID/Mexico awarded a 3-year, $44.1 million cost-type contract to Management Systems International (MSI) to work with Mexican

state and federal justice institutions to strengthen their capacity to improve transparency, public oversight, and public accountability, and better serve Mexican citizens under the new constitutional reforms that shape the police and criminal procedure codes.

(4) A January 2011 USAID Office of the Inspector General audit determined that the contract mechanism that USAID/Mexico used to award the task order to MSI was not in accordance with procurement regulations, USAID/Mexico's technical officers responsible for the rule of law projects have not effectively carried out all their responsibilities in accordance with USAID policy and internal mission orders, USAID/Mexico's contractor has not developed systems for evaluating the effectiveness of the training it delivers, and USAID/Mexico's reported numbers of beneficiaries trained are not accurate.

(b) LIMITATION.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development, in awarding contracts during a fiscal year to procure training services as part of the Merida Initiative, may not award more than 50 percent of the dollar amount of the contracts to one company.

(c) MERIDA INITIATIVE DEFINED.—In this section, the term "Merida Initiative" means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

SEC. 944. INTERNET WEBSITE TO MAKE PUBLICLY AVAILABLE COMPREHENSIVE, TIMELY, COMPARABLE, AND ACCESSIBLE INFORMATION ON UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) ESTABLISHMENT; PUBLICATION AND UPDATES.—Not later than 2 years after the date of the enactment of this Act, the President shall establish and maintain an Internet website to make publicly available comprehensive, timely, comparable, and accessible information on United States foreign assistance programs. The head of each Federal department or agency that administers such programs shall on a regular basis publish and update on the website such information with respect to the programs of the department or agency.

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—Such information shall be published on a detailed program-by-program basis and country-by-country basis.

(2) TYPES OF INFORMATION.—To ensure transparency, accountability, and effectiveness of United States foreign assistance programs, the information shall include country assistance strategies, annual budget documents, congressional budget justifications, and reports and evaluations for such programs and projects under such programs. Each type of information described in this paragraph shall be published on the website not later than 30 days after the date of issuance of the information and shall be continuously updated.

(c) SCOPE OF INFORMATION.—The website shall contain such information relating to the current fiscal year and the immediately preceding 5 fiscal years. The website shall also contain a link to a searchable database available to the public containing such information relating to fiscal years prior to such immediately preceding 5 fiscal years.

(d) FORM.—Such information shall be published on the website in unclassified form. Any information determined to be classified information may be submitted to Congress in classified form and an unclassified summary of such information shall be published on the website.

Subtitle E—Reports and Other Matters

SEC. 951. REPORT ON AID COMMITMENTS AND DISBURSEMENTS BY OTHER DONORS AND INTERNATIONAL ORGANIZATIONS.

Section 634 of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Chairman of the Development Coordination Committee" and insert "President";

(B) by striking paragraphs (6) and (7); and

(C) by redesignating paragraphs (8) through (12) as paragraphs (6) through (10), respectively; and

(2) by adding at the end the following new subsection:

"(c) REPORT REQUIRED.—

"(1) IN GENERAL.—The President shall submit to the appropriate congressional committees, at such time that the President submits the annual budget request under section 1105 of title 31, United States Code, a report providing

the most up-to-date and detailed information on aid commitments and disbursements by other donors and international organizations to countries and regions for which the President is seeking United States assistance funds.

"(2) USE OF READILY AVAILABLE RESOURCES AND STATISTICS.—In carrying out this subsection, the President shall utilize all readily available resources and statistics, including information provided by such organizations as the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD).

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs of the House of Representatives; and

"(B) the Committee on Foreign Relations of the Senate.".

SEC. 952. REPORTS ON FINANCIAL DISCLOSURE OF CERTAIN ORGANIZATIONS AND BUSINESSES THAT RECEIVE UNITED STATES FOREIGN ASSISTANCE FUNDING.

(a) PURPOSE.—The purpose of this section is to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to steward American tax dollars wisely in effectively adapting and responding to new challenges of the 21st century.

(b) REPORTS.—The Administrator of the United States Agency for International Development shall require any organization or business that receives more than 50 percent of its funding from the United States Government under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for any fiscal year to submit to the United States Agency for International Development a report that contains the names and all forms of compensation paid by the organization or business to the 5 most highly-compensated employees of the organization or business.

(c) PUBLIC DISCLOSURE.—The Administrator of the United States Agency for International Development shall make the reports submitted under subsection (b) publicly accessible on the website of the Agency.

SEC. 953. STATEMENT OF POLICY AND REPORT ON SEX-SELECTION ABORTION.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to declare sex-selection abortion a human rights violation.

(b) HUMAN RIGHTS REPORTS.—

(1) SECTION 116 REPORT.—Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n), as amended by section 503 of this Act, is further amended by adding at the end the following:

"(h) SEX-SELECTION ABORTION.—The report required by subsection (d) of this section shall include, wherever applicable, systematic assessments and conclusions of the extent and nature of sex-selection abortion in each foreign country.".

(2) SECTION 502B REPORT.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304), as amended by section 503 of this Act, is further amended by adding at the end the following:

"(k) SEX-SELECTION ABORTION.—The report required by subsection (b) of this section shall include, wherever applicable, systematic assessments and conclusions of the extent and nature of sex-selection abortion in each foreign country.".

SEC. 954. SENSE OF CONGRESS REGARDING REDUCING MALARIA PREVALENCE AND DEATHS.

(a) FINDINGS.—Congress finds the following:

(1) Malaria is a leading cause of death and disease in many developing countries, despite being completely preventable and treatable.

(2) According to the Centers for Disease Control and Prevention, 35 countries, the majority of them in sub-Saharan Africa, account for 98 percent of global malaria deaths.

(3) Young children and pregnant women are particularly vulnerable and disproportionately affected by malaria.

(4) Malaria greatly affects child health, with estimates that children under the age of 5 account for 85 percent of malaria deaths each year.

(5) Malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa.

(6) Heightened national, regional, and international efforts to prevent and treat malaria over recent years have made measurable progress and have helped save hundreds of thousands of lives.

(7) The World Health Organization's World Malaria Report 2010 reports that in 2010, more African households (42 percent) owned at least one insecticide-treated mosquito net (ITN), more children under 5 years of age (35 percent)

were using an ITN compared to previous years, and household ITN ownership reached more than 50 percent in 19 African countries.

(8) The World Health Organization's World Malaria Report 2010 further states that a total of 11 countries and one area in the African region showed a reduction of more than 50 percent in either confirmed malaria cases or malaria admissions and deaths in recent years (Algeria, Botswana, Cape Verde, Eritrea, Madagascar, Namibia, Rwanda, Sao Tome and Principe, South Africa, Swaziland, Zambia, and Zanzibar, United Republic of Tanzania), and that in all countries, the decreases are associated with intense malaria control interventions.

(9) Continued national, regional, and international investment is critical to continue to reduce malaria deaths and to prevent backsliding in those areas where progress has been made.

(10) The United States Government has played a major leadership role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative (PMI) and the United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

(11) Recognizing the burden of malaria on many partner countries, PMI has set the target for 2015 of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa.

(b) SENSE OF CONGRESS.—Congress—

(1) supports the achievable target of ending malaria deaths by 2015;

(2) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(3) commends the recent progress made toward reducing global malaria deaths and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(4) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(5) supports continued leadership by the United States in bilateral and multilateral efforts to combat malaria; and

(6) encourages other members of the international community to sustain and scale up their support and financial contributions for efforts worldwide to combat malaria.

SEC. 955. SENSE OF CONGRESS REGARDING SECOND MCC COMPACT WITH CAPE VERDE.

(a) FINDINGS.—Congress finds the following:

(1) The Millennium Challenge Corporation (MCC) provides access to financial services and helps create sustainability for financial institutions in Cape Verde, both of which are critical components to that country's economic growth.

(2) The MCC strategy in Cape Verde, a developing nation in which 30 percent of its citizens live below the poverty level, focuses on microfinance development and improved access to credit for farmers.

(3) The MCC Compact with Cape Verde contributed to e-government service by investing in software, equipment, and technical assistance. As a result, the number of days it takes to start a business has decreased from an average of 52 days in 2007, to less than one day to do so in 2010.

(4) Preliminary findings of the MCC Compact with Cape Verde indicate substantial results for farmers receiving assistance through the Agricultural Support Project. For example, following a year of very bad rains, farmers who did not receive MCC assistance experienced a drop in income of 88 percent, while farmers who did receive such assistance faced a decrease of only 18 percent.

(5) As a result of the MCC Compact with Cape Verde, the following outputs have been completed:

(A) The construction of 28 reservoirs.

(B) 549 farmers have received training in new technologies.

(C) Four participating microfinance institutions have issued $617,000 in rural agricultural loans to 209 farmers on agribusiness.

(D) Increased financial intermediation and competition in the government securities market and development of the private sector.

(E) Eight microfinance institutions have received technical assistance, and capacity-building in accounting, credit appraisal, delivery, collection, human resources management, and marketing.

(6) As a result of the MCC, Cape Verde is launching its first private credit bureau.

(7) Because the compact with Cape Verde was among the first MCC compacts approved, a number of unanticipated issues arose regarding timing and design that required rescoping of projects and revision of targets and indicators. With-

out the ability to extend the compact beyond the 5-year limit, the MCC was unable to provide full support for the activities initially envisioned.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Cape Verde has demonstrated a commitment to transforming its economy and creating sustainable growth, as well as an ability to effectively utilize the assistance provided by the Millennium Challenge Corporation (MCC); and

(2) a second compact with the MCC would allow Cape Verde to build on the success of its first compact, accelerate economic growth, raise incentives in other countries to maintain high levels of performance on MCC programs, and exemplify the results-based approach to foreign assistance.

SEC. 956. SENSE OF CONGRESS REGARDING MICROFINANCE AND MICROENTERPRISE PROGRAMS.

It is the sense of Congress that—

(1) access to financial markets is essential to economic growth;

(2) microfinance and microenterprise programs have been successful in creating and expanding economic opportunities by providing access to financial markets and financial services, such credit, small loans and savings services, to poor and vulnerable populations, particularly women and the rural poor, in developing countries;

(3) microfinance helps improve economic welfare in poor households, and has been shown to raise borrower income, stimulate the growth of the borrower's business, and generate employment; and

(4) the United States should support and encourage, wherever possible and appropriate, microfinance and microenterprise development and programs in order to help generate stable economic growth in developing countries.

SEC. 957. SENSE OF CONGRESS REGARDING MICROENTERPRISE DEVELOPMENT ASSISTANCE TO SUB-SAHARAN AFRICA.

(a) IN GENERAL.—It is the sense of Congress that—

(1) the United States Agency for International Development should seek to increase the reach, impact, and effectiveness of microenterprise development assistance in sub-Saharan Africa;

(2) the United States Agency for International Development should target half of all sustainable poverty-focused programs under subsection (a) of section 252 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a) to the very poor, as required by subsection (c) of such section; and

(3) the United States Agency for International Development should seek to improve poverty assessment tools used to provide microenterprise development assistance so that the tools can assist the management and outreach of partner organizations to the very poor.

(b) DEFINITION.—In this section, the term "microenterprise development assistance" means assistance under title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.).

TITLE X—SECURITY ASSISTANCE

SEC. 1001. SHORT TITLE.

This title may be cited as the "Security Assistance Act of 2011".

Subtitle A—Military Assistance and Related Matters

PART I—FUNDING AUTHORIZATIONS

SEC. 1011. FOREIGN MILITARY FINANCING PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $6,374,000,000 for fiscal year 2012.

(b) ASSISTANCE FOR ISRAEL.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to support the August 2007 announcement that it would increase United States military assistance to Israel by $6 billion through incremental $150 million annual increases in Foreign Military Financing program assistance to Israel, starting at $2.55 billion in fiscal year 2009 and reaching $3.15 billion in each of the fiscal years 2013 through 2018.

(2) AMENDMENTS.—Section 513(c) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Security Assistance Act of 2002 (division B of Public Law 107–228; 116 Stat. 1430), is further amended—

(A) in paragraph (1)—

(i) by striking "each of the fiscal years 2002 and 2003" and inserting "fiscal year 2012"; and

(ii) by striking "each such fiscal year" and inserting "such fiscal year";

(B) in paragraph (3), by striking "Funds authorized" and all that follows through "later." and inserting "Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal year 2012 shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2012, or October 31, 2011, whichever is later"; and

(C) in paragraph (4)—

(i) by striking "fiscal years 2002 and 2003" and inserting "fiscal year 2012"; and

(ii) by striking "$535,000,000 for fiscal year 2002 and not less than $550,000,000 for fiscal year 2003" and inserting "$3,075,000,000 for fiscal year 2012".

(c) ASSISTANCE FOR IRAQ.—

(1) FINDINGS.—Congress finds the following:

(A) United States support for the security of the Government of Iraq remains critical for the long-term success of United States efforts in that country.

(B) United States security assistance from the Iraq Security Forces Fund (ISFF) account administered by the Department of Defense has been discontinued in H.R. 2219, the Department of Defense Appropriations Act, 2012, as passed the House of Representatives, with the intent of transitioning responsibility for such activities to the Foreign Military Financing program administered by the Department of State.

(C) The ISFF account was funded at $1.5 billion for fiscal year 2011 under the Department of Defense and Full-Year Continuing Appropriations Act, 2011.

(D) The request for Foreign Military Financing program assistance for the Government of Iraq for fiscal year 2012 is $1 billion marking a $500 million reduction from previous levels of security assistance for Iraq.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under subsection (a), $1,000,000,000 is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the Government of Iraq for fiscal year 2012.

(3) REPORT.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(A) reviews and comments on the grant assistance provided under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the Government of Iraq for fiscal year 2012;

(B) includes the amount of such grant assistance that is unobligated or unexpended as of such date; and

(C) provides recommendations regarding additional actions to ensure greater accountability and transparency with respect to the provision of United States assistance to Iraq.

(d) CERTIFICATION ON FOREIGN MILITARY FINANCING FOR IRAQ.—Notwithstanding any other provision of this section or any amendment made by this section, 25 percent of the funds made available to the Department of State for the Foreign Military Financing program in Iraq for fiscal year 2012 may not be made available for contracts under the program unless the Secretary of State submits to Congress a plan to manage large-scale contracts under the program and certifies to Congress that sufficient management and oversight practices are in place with respect to such contracts.

SEC. 1011A. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking "There are authorized" and all that follows through "fiscal year 1987" and inserting "There are authorized to be appropriated to the President to carry out the purposes of this chapter $105,800,000 for fiscal year 2012".

(b) AUTHORITY TO PROVIDE TO INTERNATIONAL ORGANIZATIONS.—Section 541(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347(a)) is amended in the first sentence by adding at the end before the period the following: "and comparable personnel of regional and sub-regional organizations for the purposes of contributing to peacekeeping operations".

PART II—MILITARY ASSISTANCE AUTHORITIES AND RELATED PROVISIONS

SEC. 1012. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended—

(1) by inserting "authorized to be" before "transferred"; and

(2) by striking "425,000,000" and inserting "450,000,000".

SEC. 1012A. ANNUAL MILITARY ASSISTANCE REPORT.

(a) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "whether such defense articles—" and inserting "the following:"

(2) in paragraph (1)—

(A) by inserting "Whether such defense articles" before "were"; and

(B) by striking the semicolon at the end and inserting a period;

(3) in paragraph (2)—

(A) by inserting "Whether such defense articles" before "were"; and

(B) by striking "; or" at the end and inserting a period; and

(4) by striking paragraph (3) and inserting the following:

"(3) Whether such defense articles were exported without a license under section 38 of the Arms Export Control Act pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption in the regulation under which the export was made.

"(4) A detailed listing, by United States Munitions List category and sub-category, as well as by country and by international organization, of the actual total dollar value of major defense equipment and defense articles delivered pursuant to licenses authorized under section 38 of the Arms Export Control Act for the previous fiscal year.

"(5) In the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report.".

(b) INFORMATION NOT REQUIRED.—Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) INFORMATION NOT REQUIRED.—Each such report may exclude information relating to—

"(1) exports of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States on a temporary basis;

"(2) exports of such articles, services, and activities to United States Government end users located in foreign countries; and

"(3) and the value of manufacturing license agreements or technical assistance agreements licensed under section 38 of the Arms Export Control Act.".

SEC. 1012B. ANNUAL REPORT ON FOREIGN MILITARY TRAINING.

Section 656(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)(1)) is amended—

(1) by striking "January 31" and inserting "March 1"; and

(2) by striking "and all such training proposed for the current fiscal year".

SEC. 1012C. GLOBAL SECURITY CONTINGENCY FUND.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of State, with the concurrence of the Secretary of Defense, is authorized to establish a fund, to be known as the Global Security Contingency Fund, which shall consist of such amounts as may be contributed under paragraph (2) to the fund, to provide assistance to a foreign country described in subsection (b) for the purposes described in subsection (c). The program authorized under this subsection shall be jointly financed and carried out by the Department of State and the Department of Defense in accordance with the requirements of this section.

(2) CONTRIBUTIONS TO FUND.—

(A) IN GENERAL.—For each of fiscal years 2012 through 2015, the Secretary of State and the Secretary of Defense may contribute not more than $300,000,000 of amounts made available to carry out the provisions of law described in subsection (d).

(B) AVAILABILITY.—Notwithstanding any other provision of law, amounts contributed under this paragraph to the fund shall be merged with amounts in the fund and shall be available for purposes of carrying out the program authorized under this subsection.

(3) LIMITATION.—The authority of this subsection may not be exercised with respect to a fiscal year until—

(A) the Secretary of State contributes to the fund not less than one-third of the total amount contributed to the fund for the fiscal year; and

(B) the Secretary of Defense contributes to the fund not more than two-thirds of the total amount contributed to the fund for the fiscal year.

(4) RULE OF CONSTRUCTION.—The ratios of contributions described in paragraph (3) shall be determined at the beginning of a fiscal year and may not be determined on a project-by-project basis.

(b) ELIGIBLE FOREIGN COUNTRIES.—A foreign country described in this subsection is a country that is designated by the Secretary of State, with the concurrence of the Secretary of Defense, and is eligible to receive assistance under one or more of the provisions of law described in subsection (d).

(c) PURPOSE OF PROGRAM.—The program authorized under subsection (a) may provide assistance to enhance the capabilities of military forces, and other security forces that conduct border and maritime security, and counterterrorism operations, as well as the government agencies responsible for such forces, in order to strengthen a foreign country's national and regional security interests consistent with United States foreign policy interests.

(d) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this subsection are the following:

(1) Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces).

(2) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881; relating to authority to provide additional support for counter-drug activities of other countries).

(3) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide activities, and available for the Defense Security Cooperation Agency for the Warsaw Initiative Funds (WIF) for the participation of the North Atlantic Treaty Organization (NATO) members in the exercises and programs of the Partnership for Peace program of the North Atlantic Treaty Organization.

(4) Section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing program).

(5) Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291; relating to international narcotics control and law enforcement).

(6) Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training program).

(7) Chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance).

(e) FORMULATION AND EXECUTION OF PROGRAM.—

(1) IN GENERAL.—The program authorized under subsection (a)—

(A) shall be jointly formulated by the Secretary of State and the Secretary of Defense; and

(B) shall, prior to its implementation, be approved by the Secretary of State, with the concurrence of the Secretary of Defense.

(2) REQUIRED ELEMENTS.—The program authorized under subsection (a) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority.

(f) RELATED AUTHORITIES.—

(1) IN GENERAL.—The program authorized under subsection (a) shall be—

(A) jointly financed by the Secretary of State and the Secretary of Defense through amounts contributed to the fund under subsection (a)(2) from one or more provisions of law described in subsection (d) under which the foreign country is eligible to receive assistance; and

(B) carried out under the authorities of such provisions of law and the authorities of this section.

(2) ADMINISTRATIVE AUTHORITIES.—Funds made available under a program authorized under subsection (a) shall be subject to the same administrative authorities as apply to funds made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(3) LIMITATION ON ELIGIBLE COUNTRIES.—The program authorized under subsection (a) may not include the provision of assistance to—

(A) any foreign country that is otherwise prohibited from receiving such assistance under any other provision of law; or

(B) Iraq, Afghanistan, or Pakistan.

(g) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not less than 15 days before implementing an activity under the program authorized under subsection (a), the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the congressional committees specified in paragraph (2) a notification of—

(A) the name of the country with respect to which the activity will be implemented; and

(B) the budget, implementation timeline with milestones, and completion date for the activity.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute an authorization or extension of any of the provisions of law described in subsection (d).

(i) TERMINATION OF PROGRAM.—The authority to carry out the program authorized under subsection (a) terminates at the close of September 30, 2015. An activity under the program directed before that date may be completed after that date, but only using funds made available for fiscal years 2012 through 2015.

SEC. 1012D. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

(a) LIMITATIONS.—

(1) CHAD.—The President may not use funds made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) for fiscal year 2012 for assistance to Chad until the President certifies to the appropriate congressional committees that the Government of Chad has taken credible and verifiable steps to implement a plan of action to end the recruitment and use of child soldiers, including the demobilization of child soldiers.

(2) EQUATORIAL GUINEA AND SOMALIA.—The President may not use funds made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) for fiscal year 2012 for assistance to Equatorial Guinea or Somalia.

(3) TRAINING.—The President may use funds made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) for fiscal year 2012 for assistance to Angola, Cameroon, the Central African Republic, Chad, Cote d'Ivoire, Guinea, or Zimbabwe only for training related to international peacekeeping operations or expanded international military education and training.

(4) NOTIFICATION.—

(A) IN GENERAL.—The President shall notify the appropriate congressional committees at least 15 days in advance of making funds described in subparagraph (B) available for assistance to Angola, Bangladesh, Cameroon, the Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, or Sri Lanka. A notification under this subparagraph shall include a detailed description of activities that are proposed to be carried out using such assistance.

(B) FUNDS DESCRIBED.—Funds referred to in subparagraph (A) are funds made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) for fiscal year 2012.

(5) ENTERTAINMENT ALLOWANCES.—The President may use not more than $55,000 of funds made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) for fiscal year 2012 for entertainment allowances.

(b) REPORTING REQUIREMENT.—Not later than April 1, 2012, and each fiscal quarter thereafter for the following two years, the President shall submit to the appropriate congressional committees a report on the use of funds made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), including a description of the obligation and expenditure of such funds, and the specific countries in receipt of, and the use or purpose of the assistance provided by, such funds.

PART III—ARMS EXPORT CONTROL ACT AMENDMENTS AND RELATED PROVISIONS

SEC. 1013. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROL REGISTRATION FEES.

(a) IN GENERAL.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking "For" and inserting "(a) IN GENERAL.—For"; and

(B) by striking "Office" and inserting "Directorate"; and

(2) by amending the second sentence to read as follows:

"(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

"(1) management;

"(2) licensing;

"(3) compliance;

"(4) policy activities; and

"(5) public outreach.".

(b) CONFORMING AMENDMENT.—Section 38(b)(3)(A) of the Arms Export Control Act (22 U.S.C. 2778(b)(3)(A)) is amended to read as follows:

"(3)(A) For each fiscal year, 100 percent of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

"(i) management;

"(ii) licensing;

"(iii) compliance;

"(iv) policy activities; and

"(v) public outreach.".

SEC. 1013A. INCREASE IN CONGRESSIONAL NOTIFICATION THRESHOLDS.

(a) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) by striking "$50,000,000" and inserting "$100,000,000";

(ii) by striking "$200,000,000" and inserting "$300,000,000"; and

(iii) by striking "$14,000,000" and inserting "$25,000,000";

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by striking "The letter of offer shall not be issued" and all that follows through "enacts a joint resolution" and inserting the following:

"(2) The letter of offer shall not be issued—

"(A) with respect to a proposed sale of any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

"(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $50,000,000 or more,

to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) in subsection (b)—

(i) in paragraph (6)(C) (as redesignated), by striking "Subject to paragraph (6), if" and inserting "If"; and

(ii) by striking paragraph (7) (as redesignated); and

(B) in subsection (c)(4), by striking "subsection (b)(5)" each place it appears and inserting "subsection (b)(6)".

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1)—

(A) by striking "Subject to paragraph (5), in" and inserting "In";

(B) by striking "$14,000,000" and inserting "$25,000,000"; and

(C) by striking "$50,000,000" and inserting "$100,000,000";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting after "for an export" the following: "of any major defense equipment sold under a contract in the amount of $75,000,000 or more or of defense articles or defense services sold under a contract in the amount of $200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)"; and

(ii) by striking "Organization," and inserting "Organization (NATO)," and by further striking "that Organization" and inserting "NATO"; and

(B) in subparagraph (C), by inserting after "license" the following: "for an export of any major defense equipment sold under a contract in the amount of $50,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)";

(3) by striking paragraph (5); and

(4) by redesignating paragraph (6) as paragraph (5).

SEC. 1013B. RETURN OF DEFENSE ARTICLES.

Section 21(m)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(m)(1)(B)) is amended by adding at the end before the semicolon the following: ", unless the Secretary of State has provided prior approval of such retransfer".

SEC. 1013C. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

(a) IN GENERAL.—Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking ", together with an indication of which sales and licensed commercial exports" and inserting "and".

(b) ADDITIONAL AMENDMENT.—Section 25(a)(3) of the Arms Export Control Act (22 U.S.C. 2765(a)(3)) is amended by adding at the end before the semicolon the following: ", as well as any plan for regional security cooperation developed in consultation with Embassy Country Teams and the Department of State".

SEC. 1013D. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

(a) IN GENERAL.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended to read as follows:

"(c) VIOLATIONS OF THIS SECTION AND SECTION 39.—

"(1) UNLAWFUL ACTS.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or a treaty referred to in subsection (j)(1)(c)(i), including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(c)(i) or an implementing arrangement pursuant to such a treaty, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

"(2) CRIMINAL PENALTIES.—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

"(A) be fined for each violation in an amount not to exceed $1,000,000, or

"(B) in the case of a natural person, imprisoned for not more than 20 years or both.".

(b) MECHANISMS TO IDENTIFY VIOLATORS.—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "or otherwise charged" after "indictment";

(ii) in clause (xi), by striking "or" at the end; and

(iii) by adding at the end the following:

"(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

"(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States;

"(xv) section 1831 of title 18, United States Code, relating to economic espionage;

"(xvi) section 545 of title 18, United States Code, relating to smuggling goods into the United States;

"(xvii) section 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–3), relating to prohibited foreign trade practices by persons other than issuers or domestic concerns;

"(xviii) section 2339B of title 18, United States Code, relating to providing material support or resources to dedicated foreign terrorist organizations; or

"(xix) sections 2339C and 2339D of title 18, United States Code, relating to financing terrorism and receiving terrorism training;"; and

(B) in subparagraph (B), by inserting "or otherwise charged" after "indictment"; and

(2) in paragraph (3)(A), by inserting "or otherwise charged" after "indictment".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.

SEC. 1013E. CLARIFICATION OF PROHIBITIONS RELATING TO STATE SPONSORS OF TERRORISM AND THEIR NATIONALS.

Section 40(d) of the Arms Export Control Act (22. U.S.C. 2780(d)) is amended—

(1) by inserting "or to the nationals of that country whose substantive contacts with that country give reasonable grounds for raising risk of diversion, regardless of whether such persons maintain such nationality or the nationality of another country not covered by this section" after "with respect to a country"; and

(2) by adding at the end the following: "For purposes of this subsection, the term 'national' means an individual who acquired citizenship by birth from a country that is subject to section 126.1 of title 22, Code of Federal Regulations (or any successor regulations).".

SEC. 1013F. EXEMPTION FOR TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

Section 40(h) of the Arms Export Control Act (22 U.S.C. 2780(h)) is amended—

(1) in the heading—

(A) by striking "EXEMPTION" and inserting "EXEMPTIONS"; and

(B) by adding "AND CERTAIN FEDERAL LAW ENFORCEMENT ACTIVITIES" after "REPORTING REQUIREMENTS"; and

(2) by adding at the end before the period the following: "or with respect to Federal law enforcement activities undertaken to further the investigation of violations of this Act".

SEC. 1013G. REPORT ON FOREIGN MILITARY FINANCING PROGRAM.

Section 23 of the Arms Export Control Act (22 U.S.C. 2763) is amended by adding at the end the following:

"(i) REPORT.—

"(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees as part of the supporting materials of the annual congressional budget justification a report on the implementation of this section for the prior fiscal year.

"(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include a description of the following:

"(A) The extent to which the use of the authority of this section is based on a well-formulated and realistic assessments of the capability requirements of foreign countries and international organizations.

"(B) The extent to which the provision of grants under the authority of this section are consistent with United States conventional arms transfer policy.

"(C) The extent to which the Department of State has developed and implemented specific plans to monitor and evaluate outcomes under the authority of this section, including at least one country or international organization assessment each fiscal year.

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

"(B) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.".

SEC. 1013H. CONGRESSIONAL NOTIFICATION OF REGULATIONS AND AMENDMENTS TO REGULATIONS UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(k) CONGRESSIONAL NOTIFICATION.—The President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of regulations or amendments to regulations issued to carry out this section at least 30 days before publication of the regulations or amendments in the Federal Register unless, after consulting with such Committees, the President determines that there is an emergency that requires a shorter period of time.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act and applies with respect the issuance of regulations or amendments to regulations made on or after the date of the enactment of this Act.

SEC. 1013I. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that those arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States diplomatic efforts described in subsection (a).

SEC. 1013J. REVIEW AND REPORT OF INVESTIGATIONS OF VIOLATIONS OF SECTION 3 OF THE ARMS EXPORT CONTROL ACT.

(a) REVIEW.—The Inspector General of the Department of State shall conduct a review of investigations by the Department of State during each of fiscal years 2012 through 2016 of any and all possible violations of section 3 of the Arms Export Control Act (22 U.S.C. 2753) with respect to misuse of United States-origin defense items to determine whether the Department of State has fully complied with the requirements of such section, as well as its own internal procedures (and whether such procedures are adequate), for reporting to Congress any information regarding the unlawful use or transfer of United States-origin defense articles, defense services, and technology by foreign countries, as required by such section.

(b) REPORT.—The Inspector General of the Department of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate for each of fiscal years 2012 through 2016 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 1013K. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—Notwithstanding section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)), any person who willfully exports to a country in the Western Hemisphere any small arm or light weapon without a license in violation of the requirements of section 38 of such Act shall upon conviction be fined for each violation not less than $1,000,000 but not more than $3,000,000 and imprisoned for not more than twenty years, or both.

(b) DEFINITION.—In this section, the term "small arm or light weapon" means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades

under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of Federal Regulations (or successor regulations)) that requires a license for international export under this section.

SEC. 1013L. DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

"(4) the arrest or conviction in any country of any individual for illegally exporting or attempting to export to Mexico any small arm or light weapon (as defined in section 1013K(b) of the Foreign Relations Authorization Act, Fiscal Year 2012);"; and

(3) in paragraphs (5) and (6) (as redesignated), by striking "paragraph (1), (2), or (3)" each place it appears and inserting "paragraph (1), (2), (3), or (4)".

Subtitle B—Security Assistance and Related Matters

PART I—ISRAEL

SEC. 1021. REPORT ON UNITED STATES COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) INITIAL REPORT.—Not later than 30 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel's security and maintenance of Israel's qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each assurance has been and is continuing to be fulfilled.

(b) SUBSEQUENT REPORTS.—

(1) NEW ASSURANCES AND REVISIONS.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of enactment of this Act; or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph, within 15 days of the new assurance or revision being conveyed.

(2) FIVE-YEAR REPORTS.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) FORM.—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 1021A. CLARIFICATION OF CERTIFICATION REQUIREMENTS RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.

Section 36(h)(1) of the Arms Export Control Act (22 U.S.C. 2776(h)(1)) is amended by striking "a determination" and inserting "an unclassified determination".

SEC. 1021B. SUPPORT TO ISRAEL FOR MISSILE DEFENSE.

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

(1) promote deployment as soon as is possible of effective missile defense systems capable of defending against ballistic missile attack from Iran, Syria, and other potential missile threats to Israel;

(2) fully utilize, so far as possible, the missile defense capabilities and resources of the United States to fully assist, support, and improve the defenses of Israel to provide robust, layered protection against ballistic missile, and medium and short range projectile attack;

(3) provide assistance to complete accelerated co-production of Arrow missiles and continued integration with the appropriate ballistic missile defense systems of the United States;

(4) provide assistance to aid the system development of the Missile Defense Agency and Israel Missile Defense Organization joint program to develop a short-range ballistic missile defense capability, David's Sling weapon system, and integrate the weapon system with the ballistic missile defense system and force protection efforts of the United States; and

(5) provide assistance for research, development, and test and evaluation, and fielding of the Iron Dome Air Defense Missile System.

(b) AUTHORIZATION OF ASSISTANCE.—Of the amounts authorized to be appropriated under section 513(c) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Security Assistance Act of 2002 (division B of Public Law 107–228; 116 Stat. 1430) and further amended by section 1011(b)(2) of this Act, the Secretary of State, in coordination with the Secretary of Defense, is authorized to provide assistance to the Government of Israel for the procurement, maintenance, and sustainment of the Iron Dome Air Defense Missile System for purposes of intercepting short-range rockets, missiles, and mortars launched against Israel, and other activities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in connection with the submission of congressional presentation materials for the foreign operations appropriations and defense appropriations budget request, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report regarding the activities authorized under subsection (b).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex, if necessary.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

PART II—EGYPT

SEC. 1022. LIMITATION ON SECURITY ASSISTANCE TO THE GOVERNMENT OF EGYPT.

(a) LIMITATION.—None of the funds made available to carry out this title may be used to provide United States security assistance to the Government of Egypt unless a certification described in subsection (b) is in effect.

(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to the appropriate congressional committees that contains a determination of the President that—

(1) the Government of Egypt is not directly or indirectly controlled by a foreign terrorist organization, its affiliates or supporters;

(2) the Government of Egypt is fully implementing the Israel-Egypt Peace Treaty; and

(3) the Government of Egypt is detecting and destroying the smuggling network and tunnels between Egypt and the Gaza strip.

(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to the appropriate congressional committees an initial certification under subsection (b), and every six months thereafter—

(1) the President shall transmit to the appropriate congressional committees a recertification that the requirements contained in subsection (b) are continuing to be met; or

(2) if the President is unable to make such a recertification, the President shall transmit to the appropriate congressional committees a report that contains the reasons therefor.

(d) WAIVER.—The President may waive the limitation in subsection (a) if the President determines and certifies to the appropriate congressional committees 15 days prior to the exercise of waiver authority that—

(1) it is in the vital national security interests of the United States to do so;

(2) the United States is fully implementing and enforcing existing end-use monitoring mechanisms; and

(3) the United States has established and implemented comprehensive procedures to vet all recipients of United States security assistance to ensure that

no recipients are members of, or affiliated with, a foreign terrorist organization or any affiliates or supporters thereof.

SEC. 1022A. REPORT ON SECURITY ASSISTANCE TO THE GOVERNMENT OF EGYPT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of the strategic objectives of the United States regarding the provision of United States security assistance to the Government of Egypt.

(2) A description of biennial outlays of United States security assistance to the Government of Egypt for the purposes of strategic planning, training, provision of equipment, and construction of facilities, including funding streams.

(3) A description of vetting and end-user monitoring systems in place by both Egypt and the United States for defense articles and training provided by the United States, to include human rights vetting.

(4) A description of actions that the Government of Egypt is taking to—

(A) fully implement the Egypt-Israel peace treaty;

(B) detect and destroy the smuggling network and tunnels between Egypt and the Gaza strip;

(C) repudiate, combat, and stop incitement to violence against the United States and United States citizens and prohibit the transmission within its domains of satellite television or radio channels that broadcast such incitement; and

(D) adopt and implement legal and political reforms that protect the religious and democratic freedoms of all citizens and residents of Egypt.

(5) Recommendations, including with respect to required resources and actions, to maximize the effectiveness of United States security assistance provided to Egypt.

(b) GAO REPORT.—Not later than 120 days after the date of the submission of the report required under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(1) reviews and comments on the report required under subsection (a); and

(2) provides recommendations regarding additional actions with respect to the provision of United States security assistance to Egypt, if necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

SEC. 1022B. GOVERNMENT OF EGYPT DEFINED.

In this part, the term "Government of Egypt" means any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Egypt.

PART III—LEBANON

SEC. 1023. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to declare the association of political parties with terrorist organizations, militias, and other elements retaining armed operational capabilities outside of the official military and security institutions of the Government of Lebanon hinders the emergence of a fully-democratic Lebanon;

(2) to support the Government of Lebanon in asserting its sovereignty by extending its authority throughout its territory, particularly in the southern regions;

(3) to support the emergence of a democratic Lebanon, with both domestic and foreign terrorist organizations and militias permanently disarmed; and

(4) to continue to provide financial and material assistance to support the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon.

SEC. 1023A. LIMITATION ON SECURITY ASSISTANCE TO THE GOVERNMENT OF LEBANON.

(a) LIMITATION.—None of the funds made available to carry out this title may be used to provide security assistance to the Government of Lebanon unless a certification described in subsection (b) is in effect.

(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to the appropriate congressional committees that contains a determination of the President that—

(1) no member of Hezbollah or any other a foreign terrorist organization serves in any policy position in a ministry, agency, or instrumentality of the Government of Lebanon;

(2) there exists within the Government of Lebanon comprehensive anti-terrorism vetting and tracking procedures for all Lebanese security forces personnel benefitting from United States security assistance programs;

(3) all ministries of the Government of Lebanon and operations that directly or indirectly benefit from United States security assistance programs are financially transparent and accountable;

(4) the Government of Lebanon—

(A) is dismantling the infrastructure of all foreign terrorist organizations and related militias and is confiscating unauthorized weapons;

(B) has taken other actions in full compliance with United Nations Security Council Resolutions 1559, 1585, 1701, 1757, and other international obligations; and

(C) is fully cooperating with the Special Tribunal for Lebanon;

(5) United States security assistance and security cooperation programs for Lebanon are not utilized against the State of Israel and will not adversely impact Israel's qualitative military edge; and

(6) the Government of Lebanon has taken effective steps and made demonstrable progress toward assuming full control of its territory.

(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to the appropriate congressional committees an initial certification under subsection (b), and every six months thereafter—

(1) the President shall transmit to the appropriate congressional committees a recertification that the requirements contained in subsection (b) are continuing to be met; or

(2) if the President is unable to make such a recertification, the President shall transmit to the appropriate congressional committees a report that contains the reasons therefor.

(d) WAIVER.—The President may waive the limitation in subsection (a) if the President determines and certifies to the appropriate congressional committees 15 days prior to the exercise of waiver authority that—

(1) it is in the vital national security interests of the United States to do so;

(2) the United States is fully implementing and enforcing existing end-use monitoring mechanisms; and

(3) the United States has established and implemented comprehensive procedures to vet all recipients of United States security assistance to ensure that no recipients are members of, or affiliated with, a foreign terrorist organization.

SEC. 1023B. REPORT ON SECURITY ASSISTANCE TO THE GOVERNMENT OF LEBANON.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report that includes the following:

(1) A description of the strategic objectives of the United States regarding the provision of United States security assistance to the Government of Lebanon, including arms sales to the Government of Lebanon, and a strategy for achieving those objectives.

(2) A description of biennial outlays for United States security assistance, including arms sales, to the Government of Lebanon for the purposes of strategic planning, training, provision of equipment, and construction of facilities, including funding streams.

(3) A breakdown of contributions and assistance provided by the United States, international organizations, and other nations and entities to the Government of Lebanon, including the Ministry of Defense, the Ministry of Interior, the armed forces of Lebanon, the Internal Security Forces, the General Security Directorate, the General Directorate of State Security, Lebanese Military Intelligence, and other organizations or agencies.

(4) A description of vetting and end-user monitoring systems in place by the Government of Lebanon, the United States, international organizations, and other nations and entities providing security assistance to the Government of Lebanon.

(5) A description of metrics utilized by the United States Government for measuring whether United States security assistance has improved the capacity of the Government of Lebanon security forces to operate.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form to the greatest extent possible, but may include a classified annex if necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

SEC. 1023C. GOVERNMENT OF LEBANON DEFINED.

In this part, the term "Government of Lebanon" means any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Lebanon.

PART IV—PALESTINIAN AUTHORITY

SEC. 1024. LIMITATION ON SECURITY ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) LIMITATION.—None of the funds made available to carry out this title may be used to provide United States security assistance to the Palestinian Authority unless a certification described in subsection (b) is in effect.

(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to the appropriate congressional committees that contains a determination of the President that—

(1) no member of Hamas or any other foreign terrorist organization serves in any policy position in a ministry, agency, or instrumentality of the Palestinian Authority;

(2) the Palestinian Authority is taking all necessary steps and action to implement the 2005 security reorganization program, and implement an inclusive, standards-based approach to recruitment;

(3) all Palestinian Authority ministries and operations that directly or indirectly benefit from security assistance are financially transparent and accountable;

(4) the Palestinian Authority is dismantling all foreign terrorist organizations infrastructure, confiscating unauthorized weapons, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

(5) the Palestinian Authority is fully implementing necessary institutional reforms within the Ministry of Interior and within the judicial sector;

(6) the Palestinian Authority has halted all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and is replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

(7) there exists within the Palestinian Authority comprehensive anti-terrorism vetting and tracking procedures for all Palestinian Security Forces personnel benefitting from United States security assistance; and

(8) the Palestinian Authority has and continues to publicly acknowledge Israel's right to exist as a Jewish state.

(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to the appropriate congressional committees an initial certification under subsection (b), and every six months thereafter—

(1) the President shall transmit to the appropriate congressional committees a recertification that the requirements contained in subsection (b) are continuing to be met; or

(2) if the President is unable to make such a recertification, the President shall transmit to the appropriate congressional committees a report that contains the reasons therefor.

(d) WAIVER.—The President may waive the limitation in subsection (a) if the President determines and certifies to the appropriate congressional committees 15 days prior to the exercise of waiver authority that—

(1) it is in the vital national security interests of the United States to do so;

(2) the United States is fully implementing and enforcing existing end-use monitoring mechanisms; and

(3) the United States has established and implemented comprehensive procedures to vet all recipients of United States security assistance to ensure that no recipients are members of, or affiliated with, a foreign terrorist organization.

SEC. 1024A. REPORT ON SECURITY ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of the strategic objectives of the United States regarding the provision of United States security assistance to the Palestinian Authority, and a strategy for achieving those objectives.

(2) A description of biennial outlays for United States security assistance to the Palestinian Security Forces for the purposes of strategic planning, training, provision of equipment, and construction of facilities, including funding streams.

(3) A breakdown of contributions and assistance provided by the United States, international organizations, and other nations and entities to the Palestinian Authority Ministry of Interior, Civil Police, National Security Force, the Preventative Security, the General Intelligence Service, Military Intelligence, the Presidential Security Service/Presidential Guard, and other units.

(4) A description of vetting and end-user monitoring systems in place by the Palestinian Authority, the United States, international organizations, and other nations and entities providing security assistance to the Palestinian Authority.

(5) A description of contingency options for restructuring security assistance and reconfiguring the mission of the United States Security Coordinator.

(6) A description of metrics utilized by the United States Government for measuring whether security assistance and security cooperation programs have improved the capacity of the Palestinian Authority security forces to operate.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form to the greatest extent possible, but may include a classified annex if necessary.

SEC. 1024B. PALESTINIAN AUTHORITY DEFINED.

In this part, the term "Palestinian Authority" includes any agency or instrumentality of the Palestinian Authority, including any entity that is controlled by the Palestinian Authority, or any successor Palestinian governing entity, including the Palestinian Legislative Council.

PART V—PAKISTAN

SEC. 1025. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 102(a) of the Enhanced Partnership with Pakistan Act of 2009 (22 U.S.C. 8412(a)) is amended by striking "2010" and inserting "2012".

(2) AVAILABILITY OF FUNDS.—Section 102(b) of the Enhanced Partnership with Pakistan Act of 2009 (22 U.S.C. 8412(b)) is amended—

(A) by striking "AVAILABILITY OF FUNDS" and all that follows through "Of the amounts" and inserting "AVAILABILITY OF FUNDS.—Of the amounts"; and

(B) by striking "subsection (a)" and all that follows and inserting the following: "subsection (a), none of the amounts appropriated for assistance to Pakistan may be made available for assistance to Pakistan unless the Secretary of State submits to the appropriate congressional committees during such fiscal year—

"(1) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making measurable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report and a memorandum explaining the reasons justifying the certification; and

"(2) the certification required under section 203(c).".

(3) WAIVER; SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—Section 102 of the Enhanced Partnership with Pakistan Act of 2009 (22 U.S.C. 8412) is amended by striking subsections (c) and (d).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to amounts appropriated for the purposes of providing assistance to Pakistan under title I of the Enhanced Partnership with Pakistan Act of 2009 and providing assistance to Pakistan under the Foreign Assistance Act of 1961 for each of the fiscal years 2012, 2013, and 2014.

SEC. 1025A. LIMITATIONS ON CERTAIN ASSISTANCE.

(a) IN GENERAL.—Section 203 of the Enhanced Partnership with Pakistan Act of 2009 (22 U.S.C. 8423) is amended—

(1) by striking ", under the direction of the President," each place it appears and inserting ", in consultation with the Secretary of Defense and the Director of National Intelligence,";

(2) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "significant efforts towards" and inserting "demonstrable progress in";

(ii) by striking "taking into account"; and

(iii) by striking "has made progress on matters such as";

(B) by redesignating subparagraphs (A), (B), and (C), as subparagraphs (C), (D), and (E), respectively;

(C) by inserting before subparagraph (C) (as redesignated) the following:

"(A) is fully assisting the United States with investigating the existence of an official or unofficial support network in Pakistan for Osama Bin Laden, including by providing the United States with direct access to Osama Bin Laden's relatives in Pakistan and to Osama Bin Laden's former compound in Abottabad and any materials therein;

"(B) is facilitating the issuance of entry and exit visas for official United States visitors engaged in counterterrorism efforts and training or other cooperative programs and projects in Pakistan;";

(D) in subparagraph (C) (as redesignated), by inserting "is" before "ceasing";

(E) in subparagraph (D) (as redesignated)—

(i) by inserting "is" before "preventing";

(ii) by inserting "the Haqqani Network," after "such as";

(iii) by adding at the end before the semicolon the following: "and eliminating improvised explosive device (IED) networks"; and

(iv) by striking "and" at the end;

(F) in subparagraph (E) (as redesignated)—

(i) by inserting "is" before "strengthening"; and

(ii) by inserting "and fully implementing" before "counterterrorism"; and

(G) by adding after subparagraph (E) (as redesignated) the following:

"(F) is using defense articles and defense services provided by the United States under the Foreign Military Sales program according to the end-use purposes, security requirements, and other terms and conditions agreed to by the United States at the time of transfer or by subsequent agreement; and";

(3) by striking subsection (e);

(4) by redesignating subsection (f) as subsection (e); and

(5) in subsection (e) (as redesignated), in paragraph (1), by striking "the Committee on Oversight and Government Reform,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to the provision of security-related assistance to Pakistan in each of the fiscal years 2012, 2013, and 2014.

SEC. 1025B. STRATEGY REPORTS.

Section 301(a) of the Enhanced Partnership with Pakistan Act of 2009 (22 U.S.C. 8441(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "Not later than 45 days after the date of enactment of this Act" and inserting "For each of the fiscal years 2012, 2013, and 2014";

(2) in paragraph (1), by inserting "United States strategic objectives in Pakistan and" after "A description of";

(3) in paragraph (2), by striking "general";

(4) in paragraph (3), by striking "A plan for" and inserting "A description of implementation of";

(5) by amending paragraph (7) to read as follows:

"(7) Progress toward creating a searchable Internet database and other public communications strategies that will provide the people of the United States and the people of Pakistan with updated and accurate information on proposed spending plans, disbursements of assistance, and results achieved using funds authorized under title I of this Act."; and

(6) by adding at the end the following:

"(8) Progress toward meeting the recommendations of audits, reviews, and investigations completed by the General Accountability Office and by the Office of Inspector General of the United States Agency for International Development, the Department of State, and the Department of Defense.

"(9) A description of how the Administration is incorporating support for private sector development and enhanced trade opportunities as part of the foreign assistance approach to Pakistan.".

PART VI—YEMEN

SEC. 1026. LIMITATION ON SECURITY ASSISTANCE TO THE GOVERNMENT OF YEMEN.

(a) LIMITATION.—None of the funds made available to carry out this title may be used to provide United States security assistance to the Government of Yemen unless a certification described in subsection (b) is in effect.

(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to the appropriate congressional committees that contains a determination of the President that—

(1) no ministry, agency, or instrumentality of the Government of Yemen is controlled by a foreign terrorist organization or is directly or indirectly affiliated with a foreign terrorist organization;

(2) no member of a foreign terrorist organization serves in any policy position in a ministry, agency, or instrumentality of the Government of Yemen;

(3) there exists within the Government of Yemen comprehensive anti-terrorism vetting and tracking procedures for all Yemeni security forces personnel benefitting from United States security assistance;

(4) all ministries and operations of the Government of Yemen that directly or indirectly benefit from United States security assistance are financially transparent and accountable; and

(5) the Government of Yemen is not complicit in human rights abuses.

(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to the appropriate congressional committees an initial certification under subsection (b), and every six months thereafter—

(1) the President shall transmit to the appropriate congressional committees a recertification that the requirements contained in subsection (b) are continuing to be met; or

(2) if the President is unable to make such a recertification, the President shall transmit to the appropriate congressional committees a report that contains the reasons therefor.

(d) WAIVER.—The President may waive the limitation in subsection (a) if the President determines and certifies to the appropriate congressional committees 15 days prior to the exercise of waiver authority that—

(1) it is in the vital national security interests of the United States to do so;

(2) the United States is fully implementing and enforcing existing end-use monitoring mechanisms; and

(3) the United States has established and implemented comprehensive procedures to vet all recipients of United States security assistance to ensure that no recipients are members of, or affiliated with, a foreign terrorist organization or any affiliates or supporters thereof.

SEC. 1026A. REPORT ON SECURITY ASSISTANCE TO THE GOVERNMENT OF YEMEN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of the strategic objectives of the United States regarding the provision of United States security assistance to the Government of Yemen.

(2) A threat assessment for the Yemen.

(3) A description of biennial outlays of United States security assistance to the Government of Yemen for the purposes of strategic planning, training, provision of equipment, and construction of facilities, including funding streams.

(4) A description of vetting and end-user monitoring systems in place by both Yemen and the United States for defense articles and training provided by the United States, to include human rights vetting.

(5) A description of actions that the Government of Yemen is taking to combat foreign terrorist organizations.

(6) Recommendations, including with respect to required resources and actions, to maximize the effectiveness of United States security assistance to the Government of Yemen.

(b) GAO REPORT.—Not later than 120 days after the date of the submission of the report required under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(1) reviews and comments on the report required under subsection (a); and

(2) provides recommendations regarding additional actions with respect to the provision of United States security assistance to Yemen, if necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

SEC. 1026B. GOVERNMENT OF YEMEN DEFINED.

In this part, the term "Government of Yemen" means any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Yemen.

PART VII—MISCELLANEOUS PROVISIONS

SEC. 1027. DEFINITIONS.

Except as otherwise provided, in this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) FOREIGN TERRORIST ORGANIZATION.—The term "foreign terrorist organization" means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(3) QUALITATIVE MILITARY EDGE.—The term "qualitative military edge" has the meaning given the term in section 36(h)(2) of the Arms Export Control Act (22 U.S.C. 2776(h)(2)).

(4) UNITED STATES SECURITY ASSISTANCE.—The term "United States security assistance" means assistance authorized under part II of the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other Act under which the United States provides defense articles, military training, or other defense-related services by grant, loan, credit, or cash sales in furtherance of national policies and objectives.

SEC. 1027A. REPORT ON POLICE TRAINING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall, in coordination with the heads of relevant Federal departments and agencies, submit to the Committee on Foreign Affairs of the House of Representative and the Committee on Foreign Relations of the Senate a report on current overseas civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall contain information on the following:

(1) The coordination, communication, program management, and policy implementation among the United States civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) The number of private contractors conducting such training, and the quality and cost of such private contractors.

(3) An assessment of pre-training procedures for verification of police candidates to adequately assess their aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

(4) An analysis of the practice of using existing Federal police entities to provide civilian police training in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife, along with the subject matter expertise that each such entity may provide to meet local needs in lieu of the use of private contractors.

(5) Recommendations, including recommendations relating to required resources and actions, to maximize the effectiveness and interagency coordination and the adequate provision of civilian police training programs in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

SEC. 1027B. AUDITS OF UNITED STATES ASSISTANCE TO IRAQ.

(a) FINDINGS.—Congress finds the following:

(1) The Office of the Special Inspector General for Iraq Reconstruction (SIGIR) has conducted audits of the activities of the Department of State and the Department of Defense and the United States Agency for International Development in Iraq which have proved invaluable to Congress, senior Administration officials, and the American people.

(2) SIGIR has authority under existing law to audit all United States-funded reconstruction assistance in Iraq regardless of funding source.

(3) United States assistance to Iraq, under the conditions now in existence or which may be anticipated to be in existence through December 2012 should be considered to be "reconstruction assistance".

(4) SIGIR's audits of the police training program, and of military assistance through the Iraq Security Forces Fund, have been of particular value.

(5) SIGIR should audit military, security, and economic assistance to Iraq during the term of SIGIR's existence, including assistance which may be provided under the Foreign Military Financing program or the Police Development Program.

(6) SIGIR's audits should cover such aspects of assistance programs as may be in the opinion of the Inspector General necessary or desirable under section 6(a) of the Inspector General Act of 1978 or section 3001 of Public Law 108–106, including any programs, activities, or facilities funded in whole or part by amounts made available for assistance to Iraq or which relate to such programs, activities, or facilities.

(7) SIGIR coordinates its audits with other Inspectors General and the Government Accountability Office to avoid duplication of effort.

(8) SIGIR should continue to report on United States assistance to Iraq in its Quarterly Reports to Congress.

(b) COOPERATION WITH SIGIR.—The Secretary of State shall fully and unreservedly cooperate with audits conducted by the SIGIR and with any information requests which in the opinion of the SIGIR are required to comply with requirements imposed on the SIGIR by law.

Subtitle C—Peacekeeping Operations

SEC. 1031. PEACEKEEPING OPERATIONS.

(a) AUTHORITY.—

(1) IN GENERAL.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended—

(A) in the first sentence, by striking "The President" and inserting "(a) The President"; and

(B) by adding at the end the following new subsection:

"(b) Assistance authorized to be appropriated under this chapter may also be used, notwithstanding section 660, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations.".

(2) DISARMAMENT AND REINTEGRATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, regulation, or Executive order, funds authorized to be appropriated by this Act and any similar provision of law for peacekeeping operations may be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations.

(B) CONSULTATION.—The Secretary of State shall consult with the appropriate congressional committees prior to obligating or expending funds pursuant to this subsection.

(C) DEFINITION.—In this paragraph, the term "foreign terrorist organization" means an organization designated as a terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) LIMITATION.—Section 404(a) of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c-1(a)) is amended by striking "section 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j or 2347)" and inserting "section 516, 541, or 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j, 2347, or 2348)".

(c) NOTIFICATION AND REPORTING REQUIREMENTS.—

(1) NOTIFICATION.—The Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days before any funds authorized under this section are made available.

(2) REPORTS.—Not later than March 30, 2012, and the end of each fiscal quarter, the Secretary of State shall submit to the Committee on Foreign Affairs of

the House of Representatives and the Committee on Foreign Relations of the Senate a report on the uses of funds made available under the this section, including a description of the obligation and expenditure of funds, the specific country in receipt of such funds, and the use or purpose of the assistance provided by such funds.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $304,390,000 for fiscal year 2012 for necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, including to pay assessed expenses for international peacekeeping activities in Somalia and for a United States contribution to the Multinational Force Observers Mission in the Sinai.

Subtitle D—Reports

SEC. 1041. REPORT ON TRANSPARENCY IN NATO ARMS SALES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for each of the following three years, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees an annual report on sales and financing of defense articles and defense services in excess of $50,000,000 by North Atlantic Treaty Organization (NATO) member countries (other than the United States) to non-NATO member countries, which includes the following:

(1) A detailed political-strategic analysis of potential dangers such sales and financing might pose to the integrity of the NATO alliance.

(2) A list of any abuses or incidents involving such sales and financing to countries potentially hostile to the NATO alliance.

(3) An analysis of the potential for such sales and financing made during the past five years to the Russian Federation to adversely affect the long-term solidarity of the NATO alliance.

(b) NATO COOPERATION.—The Secretary of State shall seek the cooperation and input of NATO's Economic Secretariat in preparing the report required under subsection (a).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form (including as much detail as possible), but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs of the House of Representative and the Committee on Foreign Relations of the Senate; and

(2) the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

SEC. 1041A. REPORT ON TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(a) REPORT.—The Secretary of State, with the concurrence of the Secretary of Defense, and in coordination with the Administrator for the United States Agency for International Development, shall submit to the appropriate congressional committees a report that contains a detailed plan to provide for the transition of the activities of the Task Force for Business and Stability Operations in Afghanistan from the Department of Defense to the Department of State and the United States Agency for International Development.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs of the House of Representative and the Committee on Foreign Relations of the Senate; and

(2) the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. ELIMINATION OF EAST-WEST CENTER.

(a) PROHIBITION.—The Secretary of State may not use any amounts authorized to be appropriated by this Act to fund, make a grant to, provide assistance to, or otherwise support the Center for Cultural and Technical Interchange Between East and West (commonly referred to as the "East-West Center").

(b) REPEAL.—The Center for Cultural and Technical Interchange Between East and West Act of 1960 (chapter VII of the Mutual Security Act of 1960; Public Law 86–472) is repealed.

SEC. 1102. INSPECTOR GENERAL OF THE GLOBAL FUND.

Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(5)) is amended—

(1) in subparagraph (C)—

(A) by amending clause (ii) to read as follows:

"(ii) all reports of the Inspector General of the Global Fund, without editing, restriction, or limitation, and in a manner that is consistent with the Policy for Disclosure of Reports of the Inspector General, approved at the 16th Meeting of the Board of the Global Fund, including a certification that no changes have been made to the Policy that would restrict the Inspector General's ability to disclose the results of his or her work and the discretion and authority of the Inspector General in executing the functions of the Office has not been limited, reduced, or minimized;"; and

(B) in clause (iv), strike "to the Board" and insert "to the Board, including Office of the Inspector General Progress Reports"; and

(2) by amending subparagraph (D) to read as follows:

"(D) is maintaining a fully independent, well-staffed, and sufficiently resourced Office of the Inspector General that—

"(i) reports directly to the Chair of the Board of the Global Fund;

"(ii) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, contractors, suppliers, and LFAs;

"(iii) documents incidents of harassment, undue pressure, and interference in its work and evidence of reprisal or retaliation, so that appropriate corrective action may be taken; and

"(iv) maintains a robust mandate to conduct in-depth investigations and programmatic audits, free from undue restriction, interference, harassment, and efforts to undermine its authority;".

SEC. 1103. ANTIBOYCOTT PROVISIONS.

(a) SHORT TITLE.—This section may be cited as the "Antiboycott Act".

(b) FINDINGS.—The Congress finds that—

(1) the Arab League boycott of Israel, and the secondary boycott of United States firms that have commercial ties with Israel, are an impediment to investment, trade, economic development, and peace in the Middle East and North Africa;

(2) it is in the common interest of the people of Israel and the Arab states that the Arab League boycott be terminated, that the Central Office for the Boycott of Israel be closed, and that Arab League states normalize relations with their neighbor Israel; and

(3) the President, the Secretary of State, and the Secretary of Commerce should continue to vigorously oppose the Arab League boycott of Israel and use the authorities enacted into law by Congress to take concrete steps to seek an end to the Arab League boycott.

(c) POLICY.—It is the policy of the United States to—

(1) oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person;

(2) encourage and, in specified cases, require United States persons engaged in the export of goods or technology or other information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person; and

(3) foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

(d) PROHIBITIONS AND EXCEPTIONS.—

(1) PROHIBITIONS.—In order to carry out the purposes set forth in subsection (c), the Secretary of Commerce (in this section referred to as the "Secretary") shall issue regulations prohibiting any United States person, with respect to that person's activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country that is friendly to the United States and

is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, or requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, shall not indicate the existence of the intent required to establish a violation of regulations issued to carry out this subparagraph.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminate against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this subparagraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary.

(E) Furnishing information about whether any person is a member of, has made a contribution to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization that supports the boycotted country.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit that contains any condition or requirement the compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) EXCEPTIONS.—Regulations issued pursuant to paragraph (1) may provide exceptions for—

(A) compliance, or agreement to comply, with requirements—

(i) prohibiting the import of items from the boycotted country or items produced or provided, by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country; or

(ii) prohibiting the shipment of items to the boycotting country on a carrier of the boycotted country or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) compliance, or agreement to comply, with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment, or the name of the provider of other services, except that, for purposes of applying any exception under this subparagraph, no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms, other than with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) compliance, or agreement to comply, in the normal course of business with the unilateral and specific selection by a boycotting country, or a national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country, or specific items which, in the normal course of business, are identifiable by source when imported into the boycotting country;

(D) compliance, or agreement to comply, with export requirements of the boycotting country relating to shipment or transshipment of exports to the boycotted country, to any business concern of or organized under the laws

of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual, or agreement by an individual to comply, with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country, or agreement by such a person to comply, with the laws of the country with respect to the person's activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of the foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products, or components of products for such person's own use, including the performance of contractual services within that country.

(3) LIMITATION ON EXCEPTIONS.—Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) ANTITRUST AND CIVIL RIGHTS LAWS NOT AFFECTED.—Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) EVASION.—This section applies to any transaction or activity undertaken by or through a United States person or any other person with intent to evade the provisions of this section or the regulations issued pursuant to this subsection. The regulations issued pursuant to this section shall expressly provide that the exceptions set forth in paragraph (2) do not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

(e) REPORTS.—

(1) IN GENERAL.—Regulations issued under this section shall require that any United States person receiving a request to furnish information, enter into or implement an agreement, or take any other action referred to in subsection (d) shall report that request to the Secretary, together with any other information concerning the request that the Secretary determines appropriate. The person shall also submit to the Secretary a statement regarding whether the person intends to comply, and whether the person has complied, with the request.

(2) PUBLIC AVAILABILITY OF REPORTS.—Any report filed pursuant to this subsection shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any item to which such report relates may be kept confidential if the Secretary determines that disclosure of that information would place the United States person involved at a competitive disadvantage.

(3) SUMMARIES TO SECRETARY OF STATE.— The Secretary shall periodically transmit to the Secretary of State summaries of the information contained in the reports filed pursuant to this subsection for such action as the Secretary of State, in consultation with the Secretary, considers appropriate to carry out the purposes set forth in subsection (c).

(f) PREEMPTION.—The provisions of this section and the regulations issued under this section shall preempt any law, rule, or regulation that—

(1) is a law, rule, or regulation of any of the several States or the District of Columbia, or any of the territories or possessions of the United States, or of any governmental subdivision thereof; and

(2) pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

(g) PENALTIES.—

(1) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of this section or of any regulation or order issued under this section.

(2) CRIMINAL PENALTY.—A person who, with knowledge or intent, commits, attempts to commit, or conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (d) shall, upon conviction, be fined not more than $1,000,000, or, if a natural person, be imprisoned for not more than 20 years, or both.

(3) CIVIL PENALTIES.—

(A) AUTHORITY.—The President may impose the following civil penalties on a person for each violation by that person of this section or any regulation or order issued under this section, for each violation:

(i) A fine of not more than $250,000.

(ii) A prohibition on the person's ability to export any goods, technology, or services, whether or not a license has been issued previously to authorize such an export.

(B) PROCEDURES.—Any civil penalty under this subsection may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code, and shall be subject to judicial review in accordance with chapter 7 of such title.

(C) STANDARDS FOR LEVELS OF CIVIL PENALTY.—The President may by regulation provide standards for establishing levels of civil penalty under this paragraph based upon the seriousness of the violation, the culpability of the violator, and the violator's record of cooperation with the Government in disclosing the violation.

(h) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the President shall transmit to Congress a report on the implementation and enforcement of this section and on additional steps taken by the United States to bring about the termination of the Arab League boycott of Israel and to encourage Arab League states to normalize their relations with Israel.

(i) DEFINITION.—In this section, the term "United States person"—

(1) means—

(A) any United States resident or national;

(B) any domestic concern (including any permanent domestic establishment of any foreign concern); and

(C) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern, as determined under regulations of the President; but

(2) does not include an individual resident outside the United States who is employed by a person other than a person described in paragraph (1).

SEC. 1104. AMERICAN MATERIALS REQUIRED FOR PUBLIC USE OF CERTAIN FUNDS.

(a) IN GENERAL.—

(1) ALLOWABLE MATERIALS.—Notwithstanding any other provision of law, only unmanufactured articles, materials, and supplies that have been mined or produced in the United States, and only manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, shall be acquired for public use with funds authorized to be appropriated by this Act or any amendment made by this Act for operations of the Department of State unless the Secretary of State determines their acquisition to be inconsistent with the public interest or their cost to be unreasonable.

(2) EXCEPTIONS.—This section does not apply—

(A) to articles, materials, or supplies for use outside the United States unless they are acquired for operations of the Department of State on a regular basis and not needed on an urgent basis;

(B) if articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and

(C) to manufactured articles, materials, or supplies procured under any contract with an award value that is not more than $3,000.

(b) DEFINITIONS.—In this section:

(1) PUBLIC BUILDING, PUBLIC USE, AND PUBLIC WORK.—The terms "public building", "public use", and "public work" mean a public building of, use by, and a public work of, the Federal Government, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

(2) UNITED STATES.—The term "United States" includes any place subject to the jurisdiction of the United States.

(c) RULE OF CONSTRUCTION.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 1105. PROHIBITION ON DISCLOSURE OF POLITICAL CONTRIBUTIONS IN SUBMITTING OFFERS FOR DEPARTMENT OF STATE CONTRACTS.

(a) PROHIBITION.—The Secretary of State may not require an entity submitting an offer for a contract with the Department of State or otherwise participating in acquisition of property or services by the Department of State to disclose any of the following information as a condition of submitting the offer or otherwise participating in such acquisition:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any individual or entity with the intent or the reasonable expectation that the individual or entity will use the funds to make a payment described in paragraph (1).

(b) NO EFFECT ON OTHER DISCLOSURE REQUIREMENTS.—Nothing in this section may be construed to waive or otherwise affect the application to an entity described in subsection (a) of any provision of law that requires the entity to disclose information on contributions, expenditures, independent expenditures, or electioneering communications.

(c) DEFINITIONS.—In this section—

(1) each of the terms "contribution", "expenditure", "independent expenditure", "electioneering communication", "candidate", "election", and "Federal office" has the meaning given each such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.); and

(2) the term "acquisition" has the meaning given that term in section 131 of title 41, United States Code.

SEC. 1106. PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) RESOURCES TO PROTECT INTELLECTUAL PROPERTY RIGHTS.—The Secretary of State shall ensure that the protection in foreign countries of the intellectual property rights of United States persons in other countries is a significant component of United States foreign policy in general and in relations with individual countries. The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service and the heads of other agencies as appropriate, shall ensure that adequate resources are available at diplomatic and consular missions in any country that is identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

(1) support for enforcement action against violations of the intellectual property rights of United States persons in such country; and

(2) cooperation with and support for the host government's efforts to reform its applicable laws, regulations, practices, and agencies to enable that government to fulfill its international and bilateral obligations with respect to intellectual property rights.

(b) NEW APPOINTMENTS.—

(1) APPOINTMENTS.—The Secretary of State, in consultation with the Director General of the United States and Foreign Commercial Service, shall appoint at least one intellectual property attaché to serve in a United States embassy or other diplomatic or consular mission in a country in each geographic region covered by a regional bureau of the Department of State. The appointments under the preceding sentence shall be in addition to personnel serving, on the date of the enactment of this Act, in the capacity of intellectual property attachés from any department or agency of the United States at United States embassies or other diplomatic missions.

(2) REGIONS DEFINED.—The geographic regions referred to in paragraph (1) are the following:

(A) Africa.
(B) Europe and Eurasia.
(C) East Asia and the Pacific.
(D) The Near East.
(E) South and Central Asia and the Pacific.
(F) The Western Hemisphere.

(c) PRIORITY ASSIGNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in designating the embassies or other diplomatic or consular missions to which attaches are assigned under subsection (b), the Secretary of State shall give priority to those countries where the activities of an attaché may be carried out with the greatest potential benefit to reducing intellectual property infringement in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

(2) ASSIGNMENTS TO PRIORITY COUNTRIES.—In carrying out paragraph (1), the Secretary of State shall consider assigning intellectual property attachés—

(A) to the countries that have been identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1));

(B) to the country where the Organization for Economic Cooperation and Development has its headquarters; and

(C) to countries recommended by the Intellectual Property Enforcement Coordinator and the heads of other appropriate agencies.

(d) TRAINING.—The Secretary of State shall ensure that each attaché appointed under subsection (b) is fully trained for the responsibilities of the position before assuming duties at the United States embassy or other diplomatic or consular mission in question.

(e) COORDINATION.—The activities of intellectual property attachés under this section shall be carried out in coordination with the Intellectual Property Enforcement Coordinator.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary of State shall submit to Congress, not later than December 31 of each year, a report on the appointment, designation for assignment, and activities of all intellectual property attachés of any Federal department or agency who are serving at United States embassies or other diplomatic or consular missions.

(2) IN GENERAL.—Each report under paragraph (1) shall include the following:

(A) An outline of the specific duties and responsibilities undertaken by the intellectual property attachés.

(B) A description of the progress, or lack thereof, in the preceding 1-year period, regarding the resolution of general and specific intellectual property disputes in each country identified under section 182(a)(1) of the Trade Act of 1974 (19 U.S.C. 2242(a)(1)), including any changes by the host government in applicable laws and regulations and their enforcement.

(C) An assessment of the obstacles preventing the host government of each country described in subparagraph (B) from implementing adequate measures to fulfill its international and bilateral obligations with respect to intellectual property rights.

(D) An assessment of the adequacy of the resources of the Department of State employed to carry out this section and, if necessary, an assessment of the need for additional resources for such purposes.

(g) DEFINITIONS.—In this section:

(1) INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.—The term "Intellectual Property Enforcement Coordinator" means the Intellectual Property Enforcement Coordinator appointed under section 301 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8111).

(2) INTELLECTUAL PROPERTY RIGHTS.—The term "intellectual property rights" means the rights of holders of copyrights, patents, trademarks, other forms of intellectual property, and trade secrets.

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) any United States resident or national;

(B) any corporation, partnership, other business entity, or other organization, that is organized under the laws of the United States; and

(C) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any corporation, partnership, business entity, or organization described in subparagraph (B), that is controlled in fact by such corporation, partnership, business entity, or organization.

(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by this Act, or any amendments made by this Act, there are authorized to be appropriated amounts necessary for the training and support of the intellectual property attaches appointed under subsection (b).

SEC. 1107. INTER-COUNTRY ADOPTION STRATEGY.

(a) IN GENERAL.—Not later than December 31, 2012, the Secretary of State should develop and define a strategy for inter-country adoptions between the United States and foreign countries with over 100 adoptions into the United States per year.

(b) MATTERS TO BE INCLUDED.—The strategy described in subsection (a) should include—

(1) principles to guide the efforts of the Department of State to encourage and support countries to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption ("Hague Convention");

(2) a statement highlighting the United States commitment to the Hague Convention and a summary of its most significant provisions;

(3) recommendations on bridging and coordinating the various policies of the Hague Convention, the States, United States courts, and United States Government departments; and

(4) specific methods to encourage compliance with post-adoption reporting and monitoring.

(c) SENSE OF CONGRESS.—Congress supports the Department of State's ongoing efforts to assist countries in amending their adoptions policies in order to come into alignment with the Hague Convention.

SEC. 1108. CLARIFICATION OF SENSITIVE TECHNOLOGIES FOR PURPOSES OF PROCUREMENT BAN.

(a) FINDINGS.—Congress finds the following:

(1) The Government of Iran continues to disrupt the free flow of information to the people of Iran.

(2) The Government of Iran continues to utilize information technology to conduct surveillance of dissidents' communications in an effort to repress opponents of the regime.

(3) Congress passed the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA) (which was enacted into law on July 1, 2010) to increase pressure on the Iranian regime to abandon nefarious policies, including the development of nuclear weapons, support for international terrorism, and violations of internationally recognized human rights.

(4) Section 106 of that Act provides for sanctions against firms that provide Iran with sensitive technologies that allow the Government of Iran to monitor, disrupt, or filter the free flow of information to and from the people of Iran.

(5) On September 23, 2010, the President delegated authorities provided under section 106 of that Act to the Secretary of State.

(6) On June 30, 2011, the Government Accountability Office issued a report, pursuant to section 106 of that Act and other legislation, entitled "Iran Communications Blocking" (GAO–11–706R).

(7) That report notes that the Department of State has not identified any firms that have provided Iran with such sensitive technology, and that the Department of State has no intention "to further refine the definition of sensitive technologies beyond hardware, software, telecommunications equipment, or any other technology the President determines is to be used to monitor, filter, or disrupt information and communication flows in Iran". The report further notes that many communications technologies may be used for legitimate purposes as well as disruption and surveillance, making a determination of the buyer's or seller's intent difficult to discern.

(8) The report also notes that, according to various sources, the Government of Iran has developed "indigenous" capabilities to disrupt and monitor information and communications in Iran.

(b) RESPONSIBILITIES OF SECRETARY OF STATE.—The Secretary of State shall—

(1) not later than 90 days after the date of the enactment of this Act, issue guidelines to further describe the goods, services, and technologies that will be considered "sensitive technologies" for purposes of section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), and publish those guidelines in the Federal Register;

(2) determine the types of goods, services, and technologies that enable any indigenous capabilities that Iran has to disrupt and monitor information and communications in that country, and consider adding descriptions of those items to the guidelines; and

(3) periodically review, but in no case less than once each year, the guidelines and, if necessary, amend the guidelines on the basis of technological developments and new information regarding transfers of goods, services, and technologies to Iran and the development of Iran's indigenous capabilities to disrupt and monitor information and communications in Iran.

SEC. 1109. CURTAILING THE FREQUENCY OF INTERNATIONAL MARITIME PIRACY.

(a) FINDINGS.—Congress finds the following:

(1) Maritime piracy is expanding in frequency, geographical scope, and cost, representing a growing threat to United States national security and even economic well-being. Somali pirates now operate in a sea space of approximately 2.5 million square nautical miles, an increase from 1 million square miles two years ago.

(2) From 2007 to 2010, the number of reported hijackings increased sevenfold. Last year witnessed the highest number of successful pirate attacks and hostages taken on record. Somali pirates captured six times the number of hostages in 2010 than in 2007, with the length of time held hostage increasing, along with reports of abuse. Average ransom payments to Somali pirates have risen to over $4,000,000.

(3) Central to curtailing maritime piracy are internationally recognized "best management practices", which entail practical steps ship owners and seafarers

can take to prevent pirate attacks from happening. "Best management practices" include steps such as proceeding at full speed through high risk areas, placing additional lookouts on watches, and employing physical barriers such as razor wire.

(4) "Best management practices" have been developed by the shipping industry and are updated based upon operation experience and lessons learned. "Best Management Practice 3", the third version of the document, was produced in June 2010.

(5) Use of the internationally recognized "best management practices" have been actively encouraged by the international Contact Group on Piracy off the Coast of Somalia, created in January 2009 pursuant to United Nations Security Council Resolution 1851.

(6) It is estimated that approximately 20 percent of all vessels operating off the Horn of Africa do not employ these "best management practices". Reportedly, it is these ships that make up the vast majority of ships that are successfully pirated.

(7) On June 15, 2011, Assistant Secretary of State for Political-Military Affairs Andrew Shapiro testified before the Subcommittee on Terrorism, Nonproliferation and Trade of the Committee on Foreign Affairs of the House of Representatives that, "The problem is that the small number of ships that don't follow best management practices are responsible for the vast majority of those that are actually pirated. . .we need to work with the shipping industry to put financial pressure and incentives on those who are not following best management practices and leading to this problem to take further action.".

(b) DECLARATION OF POLICY.—It shall be the policy of the United States to publically identify persons who show continual disregard for internationally-recognized maritime best management practices promoted by the Contact Group on Piracy off the Coast of Somalia, putting the lives of their crew in jeopardy and contributing to the growing ransom demands of Somali pirates.

(c) PUBLICATION OF PERSONS WHO SHOW CONTINUAL DISREGARD FOR INTERNATIONALLY-RECOGNIZED MARITIME BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—Subject to paragraph (3), not later than 180 days after the date of the enactment of this Act and annually thereafter (or more frequently as new information becomes available), the President shall transmit to the appropriate congressional committees a list of persons who the President determines continually disregard internationally-recognized maritime best management practices promoted by the Contact Group on Piracy off the Coast of Somalia.

(2) PUBLIC AVAILABILITY.—The lists required under paragraph (1) shall be printed in the Federal Register.

(3) TERMINATION.—

(A) CERTIFICATION.—The lists required under paragraph (1) shall no longer be required on the date that is 30 days after the date on which the President certifies to the appropriate congressional committees that the insufficient use of internationally recognized "best management practices" is no longer a contributing factor in the rise of maritime piracy off the coast of Somalia.

(B) NOTIFICATION.—The President shall notify the appropriate congressional committees not less than 15 days before making a certification described in subparagraph (A).

(4) DEFINITIONS.—In this section:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(i) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(B) PERSON.—The term "person" means any natural person, or any business, legal entity, or association, including a corporation, partnership, or joint venture.

SEC. 1110. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND RELIGIOUS FREEDOM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United Nations High Commissioner for Refugees (UNHCR) should, within the next 12 months, accomplish the following:

(1) A review by UNHCR of the extent to which UNHCR is processing Religion-Based Refugee Claims consistent with Article 1A(2) of the 1951 Convention or the 1967 Protocol relating to the Status of Refugees.

(2) A thorough training of UNHCR staff utilizing the UNHCR Guidelines for Religion-Based Refugee Claims, including any additional materials necessary based on the review conducted pursuant to paragraph (1), such as the Department of State's Annual Report on International Religious Freedom under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)).

(b) REPORTING.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on whether UNHCR has accomplished the measures specified in paragraphs (1) and (2) of subsection (a), and any new steps UNHCR has taken to strengthen implementation of the Guidelines referred to in paragraph (2) of such subsection, with a particular focus on countries that are contiguous to, or hosting asylum-seekers from, countries identified as "countries of particular concern for religious freedom" under section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)) or listed on the "Watchlist" of the United States Commission on International Religious Freedom for violations of religious freedom.

(2) JUSTIFICATION AND DOCUMENTATION.—If the Secretary determines in the report under paragraph (1) that UNHCR has not accomplished the aforementioned measures, or has not taken any new steps to address the aforementioned concerns, the Secretary shall submit to the appropriate congressional committees the justification and documentation provided by UNHCR, if available, of the reasons why no such actions were taken.

SEC. 1111. EXCHANGE PROGRAM FOR WOMEN LEGISLATORS AND CIVIL SOCIETY LEADERS.

(a) IN GENERAL.—The Secretary of State should encourage exchanges between women legislators and civil society leaders in politics and decision-making processes. The Secretary should focus such exchange program on the following countries:

(1) Afghanistan.
(2) The Democratic Republic of the Congo.
(3) Iraq.
(4) Liberia.
(5) South Sudan.

(b) SENSE OF CONGRESS.—These exchanges should seek to—

(1) expand female participation in international exchange programs of the Department of State;

(2) promote the advancement of women leaders in national parliaments and civil society, reduce legal and discriminatory barriers to women's civil, educational, and economic equality; and

(3) promote the human and civil rights of women and inclusion in decision-making structures as fundamental components of democratic governance, stability, and economic development.

SEC. 1112. NATIONAL INTEREST WAIVER UNDER THE CHILD SOLDIERS PREVENTION ACT OF 2008.

Section 404(c) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1(c)) is amended to read as follows:

"(c) NATIONAL INTEREST WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if—

"(1) the President determines that such waiver is in the national interest of the United States; and

"(2) the President provides to the appropriate congressional committees at least 15 days in advance of exercising the waiver a justification for granting such a waiver, including a certification that the government of the country has taken credible and verifiable steps to implement a plan of action to end the recruitment and use of child soldiers, including the demobilization of child soldiers.".

Subtitle B—Country-specific Provisions

SEC. 1121. AZORES COOPERATIVE INITIATIVE PROGRAM.

(a) AUTHORIZATION.—The Secretary of State is authorized to support the Azores Cooperative Initiative Program, to provide bilateral cooperation, expertise, and resources to design and implement solutions pursuant to the provisions of the 1995 agreement between the United States and Portugal, in areas of science, technology, education, environment, and agriculture in order to further Luso-American relations, including support for the following Program activities:

(1) Integrated pest management program for horticultural crops in the Azores, Portugal.

(2) Establishment of aquacultural research in the Azores.

(3) Sustainable fisheries in the Azores.

(4) Improvements to the Azores health care system, including epidemiology and control of Leptospirosis in the Azores.

(5) Geological risk monitoring.

(6) Tourism promotion.

(7) Assistance in economic policy analysis.

(8) Technical cooperation for rural development.

(9) Export promotion of Azorean products.

(10) Training exchanges with regard to the activities described in paragraphs (1) through (9).

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (a), there is authorized to be appropriated to the Secretary $200,000 for fiscal year 2012 from existing funds of the Department of State.

SEC. 1122. UNITED STATES EMBASSIES IN CARIBBEAN COUNTRIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of State should establish embassies in Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines, where the United States does not now have embassies;

(2) the United States Embassy in St. George's, Grenada, should serve as a model for future United States embassies in such countries;

(3) as the very large United States diplomatic presence diminishes in Afghanistan and Iraq over time, the Department of State should re-assign five of those diplomatic billets to the five Caribbean countries identified in paragraph (1);

(4) between the time of passage of this Act and the coming reduction in the number of Department of State Foreign Service officers in Iraq and Afghanistan, the Department of State should plan for the establishment of embassies in the five Caribbean countries identified in paragraph (1); and

(5) such embassies should be established not later than ten years after the date of enactment of this Act.

(b) REPORT, CONDITIONALITY, AND EXCEPTION.—

(1) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees when the total number of Foreign Service officers in the United States embassies in Iraq and Afghanistan has been reduced by 20 percent as compared to the total number of such officers as of the date of the enactment of this Act.

(2) WITHHOLDING OF FUNDS.—Except as provided in paragraph (3), if United States embassies have not been established in the five Caribbean countries identified in subsection (a)(1) by the date that the total number of Foreign Service officers in United States embassies in Iraq and Afghanistan has been reduced by 20 percent under paragraph (1) of this subsection, notwithstanding any other provision of law, five percent of the amounts otherwise made available to the Overseas Building Operations account of the Department of State shall be withheld until such time as such embassies are established.

(3) EXCEPTION FOR DELAY.—The Secretary of State may delay for up to one year the establishment of the United States embassies in the five Caribbean countries identified in subsection (a)(1) if the Secretary determines that more time is needed to establish such embassies and submits to the appropriate congressional committees a report explaining the reason for such delay.

(4) LIMITATION ON ADDITIONAL FUNDING.—To establish the United States embassies in the five Caribbean countries identified in subsection (a)(1), the Secretary of State may use only amounts that are available to the Department of State for such purpose.

SEC. 1123. LIMITATION ON FUNDS FOR U.S.-CHINA CENTER OF EXCELLENCE ON NUCLEAR SECURITY.

No funds are authorized to be appropriated for the establishment or operation of the U.S.-China Center of Excellence on Nuclear Security resulting from the agreement signed in January 2011 between the National Nuclear Security Administration and the China Atomic Energy Authority, unless the President determines that the provision of such funds are in the national security interest of the United States by contributing to efforts to prevent terrorists from obtaining radioactive materials that could be used in an explosive device.

SEC. 1124. VISAS FOR CERTAIN CITIZENS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Secretary of State shall seek to enter into an agreement with the People's Republic of China regarding the issuance of visas under section

101(a)(15)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(I)) to an alien who is a state-controlled media worker from the People's Republic of China only on a one-for-one basis with an employment-based visa issued by the People's Republic of China to a citizen or national of the United States who is employed by the Broadcasting Board of Governors.

(b) DEFINITIONS.—In this section—

(1) the term "state-controlled media worker from the People's Republic of China" means a representative of a media organization owned, operated, or controlled by the People's Republic of China, including—

(A) China Central Television;
(B) China Daily;
(C) China National Radio;
(D) China News Service;
(E) China Radio International;
(F) China Youth Daily;
(G) Economic Daily;
(H) Global Times;
(I) Guangming Daily;
(J) Legal Daily;
(K) Liberation Army Daily;
(L) People's Daily; or
(M) Xinhua News Agency; and

(2) the term "Broadcasting Board of Governors" means—

(A) the entity described under the United States International Broadcasting Act of 1994; and

(B) any other entity that engages in broadcasting activities as a result of such Act.

SEC. 1125. REPORT ON THE INFLUENCE OF THE PEOPLE'S REPUBLIC OF CHINA IN SOUTHWEST ASIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for the next 2 years, the Secretary of State shall submit to the appropriate congressional committees a report detailing—

(1) the extent of strategic ties between the People's Republic of China and Pakistan, including arms transfers, technological and military assistance (including nuclear and missile capabilities), intelligence cooperation, ties to senior Pakistani civilian and military leaders, commercial and defense industrial base development, and efforts to expand strategic infrastructure in Pakistan (such as roads, airfields, ports) and its motives for doing so; and

(2) China's strategic interests in Afghanistan, including with respect to security, investment and trade, as well as the interrelationship between Chinese policy toward Afghanistan and Pakistan, respectively.

(b) PUBLIC RELEASE OF REPORT.—The report required under subsection (a) may be submitted in classified and unclassified form, but the unclassified portion of the report shall be published on the website of the Department of State.

SEC. 1126. ENFORCEMENT OF UNITED STATES REGULATIONS ON TRAVEL TO CUBA.

The President shall fully enforce all United States regulations as in effect on January 19, 2009, on travel to Cuba and impose the corresponding penalties against individuals determined to be in violation of such regulations.

SEC. 1127. MEASURES SUPPORTING THE REUNIFICATION OF CYPRUS.

(a) POLICY.—It shall be the policy of the United States to continue to support measures aimed at the reunification of Cyprus and to provide assistance to Cyprus only for programs and activities that are consistent with the goal of reunification of Cyprus and the achievement of a bi-communal, bi-zonal federation.

(b) CONSULTATION.—The President shall, to the maximum extent practicable, consult with the Government of the Republic of Cyprus with respect to the provision of United States assistance in Cyprus in order to ensure the transparency of such assistance.

(c) REPORT MODIFICATION.—Section 620C(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2373(c)) is amended in the second sentence—

(1) by striking "60-day" and inserting "90-day"; and

(2) by inserting before the period at the end the following: ", including a detailed description of programs and activities funded by the United States to help achieve the reunification of Cyprus".

SEC. 1128. PENDING CLAIMS AGAINST THE KINGDOM OF SAUDI ARABIA.

(a) FINDINGS.—Congress finds the following:

(1) On May 19, 1992, the Subcommittee on Europe and the Near East of the Committee on Foreign Affairs of the House of Representatives held a hearing

concerning commercial abuses experienced by United States companies in Saudi Arabia and brought the matter to the attention of the Saudi Embassy.

(2) As a result of the May 19, 1992, hearing, outstanding claims by United States companies against the Kingdom of Saudi Arabia resulted in the initiation by the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of a special claims process to resolve the claims, which was included in subsequent legislation.

(3) Failure to resolve all such claims has set a poor precedent for dispute resolution processes and trade relations between the United States and the Kingdom of Saudi Arabia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should—

(1) immediately engage with the Kingdom of Saudi Arabia to resolve any outstanding claims described in subsection (a) through the special claims process described in that subsection; and

(2) take this matter into account when reviewing United States relations with the Kingdom of Saudi Arabia, including with respect to current and future trade agreements and related activities.

(c) REPORT.—The Secretary of State shall, not later than 30 days after the date of the enactment of this Act, and not later than 120 days thereafter, submit to the appropriate congressional committees a report on the progress achieved in resolving any remaining claims described in subsection (a).

SEC. 1129. PROMOTION OF HUMAN RIGHTS IN VIETNAM.

(a) FINDINGS.—Congress finds the following:

(1) The relationship between the United States and the Socialist Republic of Vietnam has grown substantially since the end of the trade embargo in 1994, with annual trade between the two countries exceeding $15,300,000,000 in 2009.

(2) The Government of Vietnam's transition toward greater economic freedom and trade has not been matched by greater political freedom and substantial improvements in basic human rights for Vietnamese citizens, including freedom of religion, expression, association, and assembly.

(3) The United States Congress agreed to Vietnam becoming an official member of the World Trade Organization in 2006, amidst assurances that the Government of Vietnam was steadily improving its human rights record and would continue to do so.

(4) Vietnam remains a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to deny the right of citizens to change their Government.

(5) Although in recent years the National Assembly of Vietnam has played an increasingly active role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly remains subject to the direction of the CPV and the CPV maintains control over the selection of candidates in national and local elections.

(6) The Government of Vietnam forbids public challenge to the legitimacy of the one-party state, restricts freedoms of opinion, the press, and association and tightly limits access to the Internet and telecommunication.

(7) Since Vietnam's accession to the WTO on January 11, 2007, the Government of Vietnam arbitrarily arrested and imprisoned numerous individuals for their peaceful advocacy of religious freedom, democracy, and human rights, including Father Nguyen Van Ly, human rights lawyers Nguyen Van Dai, Le Thi Cong Nhan, Cu Huy Ha Vu, and Le Cong Dinh, and bloggers Nguyen Van Hai and Phan Thanh Hai.

(8) The Government of Vietnam continues to detain, imprison, place under house arrest, convict, or otherwise restrict persons for the peaceful expression of dissenting political or religious views.

(9) The Government of Vietnam has also failed to improve labor rights, continues to arrest and harass labor leaders, and restricts the right to organize independently.

(10) The Government of Vietnam continues to limit the freedom of religion, restrict the operations of independent religious organizations, and persecute believers whose religious activities the Government regards as a potential threat to its monopoly on power.

(11) Despite reported progress in church openings and legal registrations of religious venues, the Government of Vietnam has halted most positive actions with respect to religious freedom since the Department of State lifted the "country of particular concern" (CPC) designation for Vietnam in November 2006.

(12) The Government of Vietnam controls all print and electronic media, including access to the Internet, jams the signals of some foreign radio stations, including Radio Free Asia, and has detained and imprisoned individuals who have posted, published, sent, or otherwise distributed democracy-related materials.

(13) People arrested in Vietnam because of their political or religious affiliations and activities often are not accorded due legal process as they lack full access to lawyers of their choice, may experience closed trials, have often been detained for years without trial, and have been subjected to the use of torture to admit crimes they did not commit or to falsely denounce their own leaders.

(14) Vietnam continues to be a source country for the commercial sexual exploitation and forced labor of women and girls, as well as for men and women legally entering into international labor contracts who subsequently face conditions of debt bondage or forced labor, and is a destination country for child trafficking and continues to have internal human trafficking.

(15) Although the Government of Vietnam reports progress in combating human trafficking, it does not fully comply with the minimum standards for the elimination of trafficking, and is not making substantial efforts to comply.

(16) United States refugee resettlement programs, including the Humanitarian Resettlement (HR) Program, the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, general resettlement of boat people from refugee camps throughout Southeast Asia, the Amerasian Homecoming Act of 1988, and the Priority One Refugee resettlement category, have helped rescue Vietnamese nationals who have suffered persecution on account of their associations with the United States or, in many cases, because of such associations by their spouses, parents, or other family members, as well as other Vietnamese nationals who have been persecuted because of race, religion, nationality, political opinion, or membership in a particular social group.

(17) While previous programs have served their purposes well, a significant number of eligible refugees from Vietnam were unfairly denied or excluded, including Amerasians, in some cases by vindictive or corrupt Vietnamese officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria. In addition, the Government of Vietnam has denied passports to persons who the United States has found eligible for refugee admission.

(18) Congress has passed numerous resolutions condemning human rights abuses in Vietnam, indicating that although there has been an expansion of relations with the Government of Vietnam, it should not be construed as approval of the ongoing and serious violations of fundamental human rights in Vietnam.

(b) PROHIBITION ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM.—

(1) ASSISTANCE.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Federal Government may not provide any nonhumanitarian assistance authorized to be appropriated by this Act or any amendment made by this Act to the Government of Vietnam during any fiscal year in an amount that exceeds the amount of such assistance provided during fiscal year 2011 unless—

(i) the Federal Government provides assistance supporting the creation and facilitation of human rights training, civil society capacity building, noncommercial rule of law programming, and exchange programs between the Vietnamese National Assembly and the United States Congress at levels commensurate with, or exceeding, any increases in nonhumanitarian assistance to Vietnam authorized to be appropriated by this Act or any amendment made by this Act;

(ii) with respect to the limitation for fiscal year 2012, the President determines and certifies to Congress, not later than 30 days after the date of the enactment of this Act, that the requirements of clauses (i) through (vii) of subparagraph (B) have been met during the 12-month period ending on the date of the certification; and

(iii) with respect to the limitation for subsequent fiscal years, the President determines and certifies to Congress every 12 months after the certification required pursuant to clause (ii) of this subparagraph, that the requirements of subparagraphs (i) through (vii) of subparagraph (B) have been met during the 12-month period prior to such certification.

(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

(i) The Government of Vietnam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention.

(ii) The Government of Vietnam has made substantial progress toward—

(I) respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference, harassment, or involvement of the Government, for all of Vietnam's diverse religious communities; and

(II) returning estates and properties confiscated from the churches and religious communities.

(iii) The Government of Vietnam has made substantial progress toward respecting the right to freedom of expression, assembly, and association, including the release of independent journalists, bloggers, and democracy and labor activists.

(iv) The Government of Vietnam has made substantial progress toward repealing or revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity, and nonviolent demonstrations and rallies, in accordance with international standards and treaties to which Vietnam is a party.

(v) The Government of Vietnam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs.

(vi) The Government of Vietnam has made substantial progress toward respecting the human rights of members of all ethnic and minority groups.

(vii) Neither any official of the Government of Vietnam nor any agency or entity wholly or partly owned by the Government of Vietnam was complicit in a severe form of trafficking in persons, or the Government of Vietnam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(2) EXCEPTION.—

(A) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Vietnam to meet the requirements of clauses (i) through (vii) of paragraph (1)(B), the President may waive the application of paragraph (1) for any fiscal year if the President determines that the provision to the Government of Vietnam of increased nonhumanitarian assistance authorized to be appropriated by this Act or any amendment made by this Act would promote the purpose of this section or is otherwise in the national interest of the United States.

(B) EXERCISE OF WAIVER AUTHORITY.— The President may exercise the authority under subparagraph (A) with respect to—

(i) all United States nonhumanitarian assistance to Vietnam authorized to be appropriated by this Act or any amendment made by this Act; or

(ii) one or more programs, projects, or activities of such assistance.

(3) DEFINITIONS.—In this section:

(A) NONHUMANITARIAN ASSISTANCE.—The term "nonhumanitarian assistance" means—

(i) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation) authorized to be appropriated by this Act or any amendment made by this Act, other than—

(I) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(II) assistance which involves the provision of food (including monetization of food) or medicine;

(III) assistance for refugees; and

(IV) assistance to combat HIV/AIDS, including any assistance under section 104A of that Act; and

(ii) sales, or financing on any terms, under the Arms Export Control Act.

(B) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to the provision of nonhumanitarian assist-

ance to the Government of Vietnam authorized to be appropriated by this Act or any amendment made by this Act during fiscal year 2012 and subsequent fiscal years.

(d) UNITED STATES PUBLIC DIPLOMACY.—

(1) RADIO FREE ASIA TRANSMISSIONS TO VIETNAM.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Vietnam.

(2) UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIETNAM.—It is the policy of the United States that programs of educational and cultural exchange with Vietnam should actively promote progress toward freedom and democracy in Vietnam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

(e) REFUGEE RESETTLEMENT FOR NATIONALS OF VIETNAM.—It is the policy of the United States to offer refugee resettlement to nationals of Vietnam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program (ODP), the Humanitarian Resettlement (HR) Program, the Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, the Amerasian Homecoming Act of 1988, or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including insufficient or contradictory information or the inability to pay bribes demanded by officials of the Government of Vietnam) were unable or failed to apply for such programs in compliance with deadlines imposed by the Department of State.

Subtitle C—Statements of Policy

SEC. 1131. ECUMENICAL PATRIARCHATE.

The United States calls on the Republic of Turkey to—

(1) based on the goals specified in the draft of the European Union Constitution, eliminate all forms of discrimination, particularly those forms based on race or religion, and immediately—

(A) grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession;

(B) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals; and

(C) respect the human rights and property rights of the Ecumenical Patriarchate;

(2) pledge to uphold and safeguard religious and human rights without compromise; and

(3) continue the achievement of processes and programs to modernize and democratize its society.

SEC. 1132. SPECIAL ENVOY FOR THE GREAT LAKES REGION OF AFRICA.

Congress calls on the President to appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo, as provided in section 107 of the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006 (Public Law 109–456; 22 U.S.C. 2151 note).

SEC. 1133. LORD'S RESISTANCE ARMY.

(a) FINDINGS.—Congress finds the following:

(1) The Lord's Resistance Army has terrorized central Africa for 25 years, and abducted tens of thousands of children, many of whom have been forced into child soldiering or sex slavery.

(2) The influence of the Lord's Resistance Army spans the border areas of South Sudan, Democratic Republic of Congo, and Central African Republic.

(3) The Lord's Resistance Army has become one of the deadliest rebel group in Congo, and has displaced hundreds of thousands of people across central Africa, including South Sudan, the world's newest country where United States investments in peace and stability are critical.

(b) STATEMENT OF POLICY.— It shall be the policy of the United States to implement the Administration's strategy released in November 2010 to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army, in accordance with section 4 of the Lord's Resistance Army Disar-

mament and Northern Uganda Recovery Act of 2009 (Public Law 111–172; 22 U.S.C. 2151 note).

(c) STATEMENT OF POLICY.—It is the policy of the United States to investigate, hold accountable, and impose sanctions against any individual or entity responsible for war crimes and crimes against humanity in the Republic of Sudan or Republic of South Sudan.

SEC. 1134. CAMP ASHRAF.

It shall be the policy of the United States to—

(1) urge the Government of Iraq to uphold its commitments to the United States to ensure the continued well-being of those individuals living in Camp Ashraf and prevent their involuntary return to Iran in accordance with the United States Embassy Statement on Transfer of Security Responsibility for Camp Ashraf of December 28, 2008;

(2) take all necessary and appropriate steps in accordance with international agreements to support the commitments of the United States to ensure the physical security and protection of Camp Ashraf residents; and

(3) take all necessary and appropriate steps to prevent the forcible relocation of Camp Ashraf residents inside Iraq and facilitate the robust presence of the United Nations Assistance Mission in Iraq in Camp Ashraf.

SEC. 1135. HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF SYRIA.

(a) FINDINGS.—Congress finds the following:

(1) The Syrian Arab Republic is governed by an authoritarian regime which continues to commit massive, systematic, and extraordinary human rights abuses, including the use of torture and arbitrary arrest and detention, and the most basic human and political rights to its citizens.

(2) The Government of Syria continues to ruthlessly suppress pro-democracy protests within its borders and has wantonly killed an estimated 1,500 people since the unrest began.

(3) The United States, European Union, and other responsible nations have imposed sanctions against the Syrian regime for its extensive human rights abuses.

(4) The Department of State's Annual Country Reports on Human Rights Practices for 2010 states that—

(A) the Government of Syria "systematically repressed citizens' ability to change their government. . . imposed severe restrictions on civil liberties: freedoms of speech and press, including Internet and academic freedom; freedoms of assembly and of association, including severe restrictions on nongovernmental organizations (NGOs); and freedoms of religion and movement"; and

(B) "the security forces committed arbitrary or unlawful killings, caused politically motivated disappearances, and tortured and physically abused prisoners and detainees with impunity".

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

(1) continue to strongly condemn the Government of Syria's suppression of pro-democracy protests and its extensive and systematic violations of and denial of the human rights of the Syrian people; and

(2) fully implement and enforce the full range of United States sanctions against the Government of Syria pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 and other provisions of law.

SEC. 1136. RELATIONS WITH RUSSIA.

It shall be the policy of the United States to—

(1) strengthen bilateral relations with Russia, in the interest of improving global security and the prosperity of United States business and commercial entities;

(2) encourage Russian development of rules to govern a wide range of issues from services regulation to foreign investment to intellectual property rights that will improve the trade and investment climate and assure reliable partners to United States potential investors, entrepreneurs, and exporters, under the conviction that a rules-based system of competition protects United States interests and builds trust between countries and peoples;

(3) continue to collaborate with the Russian Government and civil society to strengthen democracy and human rights, combat corruption, deepen the rule of law, and liberalize banking, finance, and other services, which are initiatives that improve the lives and livelihoods of Russians, the transparency of their institutions, and the confidence of their partners; and

(4) continue to collaborate with Russia to resolve international conflicts and to combat terrorism, proliferation of nuclear weapons and other weapons of

mass destruction, and environmental degradation that threaten the global economy and security.

SEC. 1137. COTE D'IVOIRE.

(a) FINDINGS.—Congress finds the following:

(1) The political crisis in Cote d'Ivoire, which resulted from the disputed November 2010 Presidential election, imperiled the civic, economic, and human rights of its citizens and the political stability of the entire sub-region.

(2) With 17 scheduled elections across Africa in 2011, Ivoirian and international acceptance of Mr. Gbagbo's electoral claim would have aided and abetted the efforts of those individuals who may seek to undermine the democratic will of Africa's citizens and reversed gains in democracy and governance across the continent.

(3) On April 11, 2011, Mr. Gbagbo was arrested and taken into the custody of the forces aligned with the elected President, thereby creating an opportunity for the political and security crisis in Cote d'Ivoire to be resolved and for rule of law to be restored.

(4) The United States has a strong interest in promoting democracy and peace in Cote d'Ivoire and across all of Africa.

(b) STATEMENT OF CONGRESS.—Congress—

(1) supports the democratic aspirations of the Ivoirian people;

(2) strongly condemns Mr. Gbagbo's attempt to circumvent the will of the people of Cote d'Ivoire the majority of whom voted on November 29, 2010, to elect Alassane Ouattara as their president;

(3) welcomes the arrest of former president Laurent Gbagbo and calls upon him to urge his supporters to lay down their weapons and contribute to peace and reconciliation in the country;

(4) calls for an immediate end to acts of violence, human rights abuses, the intimidation of United Nations troops, and the hindrance of United Nations access to investigate alleged violations of international human rights and humanitarian law;

(5) asserts that Mr. Gbagbo and his military and paramilitary forces must be held accountable for any human rights crimes and abuses that they have perpetrated against citizens and residents of Cote d'Ivoire, as must all other persons or entities who have committed such violations;

(6) calls on the United States Government and international community to continue to provide support for the ongoing efforts of the Economic Community of West African States and the African Union efforts to resolve the Ivoirian crisis, in particular through support for implementation of the conflict resolution framework and related recommendations contained in the Report of the High Level Panel of the African Union for the Resolution of the Crisis in Cote d'Ivoire of March 10, 2011;

(7) calls on the United Nations Security Council, with the support of the elected Government of Cote d'Ivoire, the African Union, and ECOWAS, to continue to ensure that legal democratic processes and international human rights and humanitarian law are upheld in Cote d'Ivoire, and that there is accountability for violations thereof;

(8) supports the application of smart, targeted sanctions against Mr. Gbagbo and his key supporters by the United States Government and international community in order to send a clear message that his rejection of the democratic process is unacceptable and that impunity for human rights violations and economic crimes against the Ivoirian people will not be tolerated;

(9) supports the Economic Community of West African States and the African Union's aggressive steps to constrict the access of the Gbagbo regime's access to financial resources, including all actions taken by the Central Bank of West African States (BCEAO) of the West African Economic and Monetary Union (UEMOA) to achieve that end;

(10) calls on the United States Government and other responsible nations to continue, in a coordinated manner, to provide humanitarian assistance to those with emergency needs, both within Cote d'Ivoire and in neighboring countries hosting Ivoirian refugees, as necessary and appropriate;

(11) calls on President Ouattara to demonstrate restraint and uphold rule of law with respect to the capture and potential prosecution of Mr. Gbagbo and his supporters, while demonstrating commitment to reconciliation and recovery;

(12) calls for an independent, and impartial investigation of all allegations of mass killings and other human rights abuses, and calls on President Ouattara to provide unfettered access and the necessary resources for such an investigation to occur, with the support of the United States and other responsible nations, as necessary and appropriate;

(13) calls for the disarmament of all irregular security forces and militias; and

(14) urges the Government of Cote d'Ivoire to immediately commence national reconciliation efforts, invest in rebuilding infrastructure, facilities, and institutions damaged as a result of the military and political crisis, to ensure the safety of all persons resident within Cote d'Ivoire and, facilitate the safe and voluntary return of refugees and internally displaced people.

SEC. 1138. WATER AND SANITATION.

(a) FINDINGS.—Congress finds the following:

(1) The Department of State and the United States Agency for International Development have designated Global Health as a policy priority for United States foreign assistance.

(2) Clean, potable water and adequate sanitation are indispensable foundations of healthy societies.

(3) Urban areas, where the expansion of slums reduces access to clean water and proper sanitation, are particularly prone to the spread of disease.

(4) Diseases related to unsafe water and inadequate sanitation account for [80 percent of sicknesses in developing countries].

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to address waterborne illnesses and conditions related to poor sanitation as priorities for United States global health policy.

Subtitle D—Sense of Congress Provisions

PART I—GENERAL PROVISIONS

SEC. 1141. BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.

(a) FINDINGS.—Congress finds the following:

(1) The Bureau of Educational and Cultural Affairs of the Department of State engages students, educators and rising leaders in more than 160 countries through academic, cultural, sports, and professional exchanges.

(2) These robust and effective international education, cultural exchange and leadership development programs strengthen relationships of the United States with foreign partners that in turn benefit the United States economy and national security.

(3) The Department of State's Competitive Grants Program within the Bureau of Educational and Cultural Affairs' Exchange critically supports academic, cultural and professional exchange and training programs that seek mutual understanding and the free exchange of ideas between the people of the United States and the people of other countries.

(4) Broadening our understanding of other cultures, languages, foreign governments, and economies makes us stronger as a country.

(5) As Secretary of State Hillary Clinton noted in February 2011, "There is nothing that is more effective than having people break down barriers [through exchange]."

(6) The Bureau of Educational and Cultural Affairs' focus on global education, women, youth, underserved audiences and the formation of critical global communities, as well as its concentration on countries of strategic importance, such as Afghanistan, Pakistan, Iraq, and Indonesia, serve the interests of the United States around the world.

(7) Alumni outreach engages thousands of Bureau Educational and Cultural Affairs alumni around the world and assures a strong return on investment.

(8) The Bureau of Educational and Cultural Affairs alumni encompass over one million people around the world, including more than 50 Nobel Laureates and over 350 current and former heads of state and government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau of Educational and Cultural Affairs of the Department of State fosters mutual understanding between the people of the United States and the people of other countries to promote friendly and peaceful relations as mandated by the Mutual Educational and Cultural Exchange Act of 1961.

SEC. 1142. DEPARTMENT OF STATE CODE OF CONDUCT TO PREVENT HUMAN TRAFFICKING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should institute a code of conduct within the Department of State to prevent severe forms of trafficking in persons.

(b) MATTERS TO BE INCLUDED.—The code of conduct described in subsection (a) should outline necessary steps to ensure that Department of State contractors and subcontractors do not engage in trafficking in persons.

SEC. 1143. PUBLIC DIPLOMACY.

(a) FINDINGS.—Congress finds the following:

(1) New media and communication technologies have given rise to explosive growth in the volume and frequency of information flowing to consumers worldwide.

(2) Individuals and entities that seek to undermine United States principles and ideals are actively engaged in shaping perceptions about the United States and its role in world affairs.

(3) The 9/11 Commission concluded in its report that long-term success against terrorism "demands the use of all elements of national power", including foreign aid and public diplomacy. The Commission cautioned, "If we favor one tool while neglecting others, we leave ourselves vulnerable and weaken our national effort.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) strengthening United States public diplomacy through increased collaboration with the private sector should be a top United States foreign policy priority;

(2) the Secretary of State should consider ways to strengthen current outreach efforts to key audiences in Egypt, Pakistan, Turkey, and Russia.

SEC. 1144. HUMAN RIGHTS PRIORITIES.

It is the sense of Congress that, recognizing that standing for fundamental human rights and against human rights abuse abroad is in keeping with United States values, the Secretary of State should ensure that such issues are incorporated, on a basis at least equal to the attention given to economic and political factors, into United States bilateral relationships.

SEC. 1145. DISCOURAGING MURDER AND OTHER FORMS OF VIOLENCE.

It is the sense of Congress that the Secretary of State should discourage foreign governments from condoning murder and other forms of physical violence that is directed against individuals because of their sexual orientation or gender identity.

SEC. 1146. INTERNATIONAL COOPERATION IN SPACE.

It is the sense of Congress that any effort to expand international cooperation in space, such as adding new partners to the International Space Station, conducting operations beyond low Earth orbit, exploring the Moon and Mars, launching deep space probes, and developing related technology and capabilities should not include participation by entities owned, controlled, chartered by, or located within the People's Republic of China.

SEC. 1147. BOUNDARY, WATER, AND FISHERIES COMMISSIONS.

(a) FINDINGS.—Congress finds the following:

(1) The boundary, water, and fisheries commissions funded using the funds authorized to be appropriated under section 104 are longstanding treaty- and agreement-based organizations formed to address important border, water, and fisheries resource issues, and receive substantial financial support from United States taxpayers.

(2) Although paragraph (g) of Article 24 of the 1944 Water Treaty between Mexico and the United States (59 Stat. 1219) requires the International Boundary and Water Commission (United States and Mexico) to annually submit a joint report to the United States and Mexican Governments, the last English-language Annual Report was filed for 2006, and contained no detail regarding the cost of the Commission's particular activities or the specific allocation of Commission resources.

(3) The International Joint Commission last filed an Annual Report for 2008 which, although it described past Commission projects and activities in general terms, contained no detail regarding the cost of its particular activities or the specific allocation of Commission resources.

(4) The International Boundary Commission (United States and Canada) last filed an Annual Report for 2007.

(5) The Great Lakes Fishery Commission, the largest recipient of United States assistance to international fisheries commissions, last filed an Annual Report for 2006, which was six pages long and contained three lines of financial data.

(6) In contrast, the most recent Annual Report by the Pacific Salmon Commission (filed in September 2010 for the 2007/2008 period) was 189 pages long, and contained an independently audited financial statement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that timely reporting by the boundary, water, and fisheries commissions that sufficiently explains each such commission's activities and the disposition of each such commission's resources is necessary to maintain public support for their continued funding.

PART II—COUNTRY-SPECIFIC PROVISIONS

SEC. 1151. KEYSTONE XL PIPELINE.

It is the sense of Congress that—

(1) the delay of the Secretary of State to authorize the Presidential Permit for the Keystone XL pipeline has adversely affected the United States economy and weakened United States national security;

(2) according to the Energy Information Administration, in 2010, the United States imported 2,321 barrels per day from Canada;

(3) Canada, as a democratic ally, offers a stable source of energy for the United States;

(4) support of this pipeline is contingent upon the adherence of any private company, contractor, or subsidiary, connected to this project to the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, and other provisions of United States law; and

(5) in accordance with all applicable rules and guidelines, the Secretary of State should promptly authorize the Presidential Permit for the Keystone XL pipeline.

SEC. 1152. ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN AFRICA.

(a) FINDINGS.—Congress finds the following:

(1) China is one of the world's largest investors in Africa.

(2) Bilateral trade deals have been signed between China and 45 African countries.

(3) The China-Africa Development Fund was created to invest in African equities, and plans call for an expansion to $5 billion.

(4) According to Tapiwa Mashakada, Zimbabwe's Minister of Economic Planning and Investment, the China Development Bank could invest up to $10 billion in Zimbabwe, site of the world's second-largest platinum deposit.

(5) Chinese direct investment in Zambia, with a focus on copper mining, surpassed $1 billion in 2010.

(6) Sudan is China's third-largest trade partner in Africa, and China has been its biggest arms supplier. China continues to be criticized by human rights observers for supplying weapons in violation of the United Nations weapons embargo of Sudan.

(7) Chinese direct investment in Nigeria exceeded $7 billion in 2010, with a focus on oil investments in the conflict-ridden Niger Delta.

(8) According to reports, China's African investments may increase by 70 percent from 2009 to 2015, to $50 billion, and Chinese-African bilateral trade may double from 2010 to 2015, to $300 billion.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should have a firm understanding of China's rapid expansion in natural resource-rich, high-conflict areas of Africa; and

(2) the United States-China Economic and Security Review Commission should, as part of its existing mandate and resources, prepare a report on China's activities in Africa as they relate to the United States-China relationship.

SEC. 1153. ACTIONS TO SECURE FREEDOM OF CHEN GUANGCHENG AND OTHER HUMAN RIGHTS DEFENDERS IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress finds the following:

(1) Blind, self-taught legal advocate Chen Guangcheng publicly exposed the fact that in 2005, 130,000 involuntary abortions and sterilizations were performed on women in Linyi County, Shandong Province in a single year.

(2) Mr. Chen was arrested on June 21, 2006, tried on November 27, 2006, and sentenced on December 1, 2006, to four years and three months in jail, on charges of "intentional destruction or damage to property" and "gathering people to disturb traffic order".

(3) The prosecution and trial of Mr. Chen has drawn repeated criticism for its lack of due process of law, including the detention of his defense lawyers on the eve of trial and the alleged extraction of witness statements under torture.

(4) Time Magazine named Mr. Chen one of "2006's Top 100 People Who Shape Our World", in the category of "Heroes and Pioneers".

(5) In August 2007, Chinese authorities stopped Mr. Chen's wife, Yuan Weijing, at the airport, revoked her passport, and forcibly returned her to her village as she attempted to travel to Manila to collect Mr. Chen's Magsaysay Award, known as Asia's Nobel Prize.

(6) Mr. Chen was released from prison on September 9, 2010, with a chronic, debilitating intestinal illness contracted in prison, for which he has been allowed no medical treatment.

(7) Mr. Chen is now under house arrest, where he has been repeatedly and severely beaten, and denied adequate medical treatment and nutrition despite fragile and deteriorating health.

(8) Mr. Chen's wife, Yuan Weijing, and their children have been subjected to harassment, surveillance, and confinement throughout Mr. Chen's imprisonment and house arrest.

(9) Mr. Chen and Ms. Yuan secretly recorded a video describing the harsh conditions of their house arrest, which included constant surveillance by 66 security police, severed telephone and internet connections, lack of adequate food, and continued intimidation by officials, who enter their home at any time, without notice.

(10) In February 2011, following the video's release, Mr. Chen's legal team tried to assist him, but several were placed under house arrest, and two of his lawyers, Jiang Tianyong and Teng Biao, were beaten and later disappeared.

(11) The Foreign Correspondents' Club of China issued the following warning on February 17, 2011, "Correspondents should be careful if they attempt to enter the village of activist Chen Guangcheng in Shandong Province. In recent days several correspondents have encountered groups of violent, plainclothes thugs. . . They have pushed reporters around, threatened them with bricks, damaged their cars, confiscated or destroyed their equipment and taken their press credentials".

(12) The 2010 Congressional-Executive Commission on China Report states that "Chinese authorities continued to implement population planning policies that interfere with and control the reproductive lives of women, employing various methods including fines, cancellation of state benefits and permits, forced sterilization, forced abortion, arbitrary detention, and other abuses".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the People's Republic of China should cease its harassment of Chen Guangcheng and his family, including his wife, daughter, son, and mother, and arrange medical treatment for him and his wife, Yuan Weijing;

(2) the Government of the People's Republic of China should release Chen Guangcheng and his family from house arrest, allow them freedom of movement, and allow access to him by international diplomats and journalists;

(3) the President and the Secretary of State should actively and repeatedly seek diplomatic visits to Chen Guangcheng and his family;

(4) the President, Secretary of State, and other Administration officials should raise the issue of harassed, arrested, disappeared, and disbarred human rights lawyers and defenders with the Government of the People's Republic of China and link this issue to United States interests in the rule of law and human rights;

(5) the President, Secretary of State, and other United States Government officials should aggressively and repeatedly raise the issue of the coercive implementation of China's birth limitation policy with President Hu Jintao; and

(6) Chen Guangcheng and his wife, Yuan Weijing, are to be commended for their courage and integrity and should be supported in their determination to expose and oppose coercive population control methods in China that violate the human rights of women.

SEC. 1154. CHINESE DRYWALL.

(a) FINDINGS.—Congress finds the following:

(1) Between 2001 through 2009, contaminated drywall manufactured in China was imported into the United States and used in home construction.

(2) It has been found through scientific studies, including a study by Sandia National Laboratories in New Mexico, that the contaminated drywall imported from China creates a corrosive environment for fire safety alarm devices, such as smoke and carbon monoxide alarms, electrical distribution components, such as receptacles, switches, and circuit breakers, and gas service piping and fire suppression sprinkler systems installed in the affected homes.

(3) Based on these scientific findings, the United States Consumer Product Safety Commission issued an updated Remediation Protocol for Homes with Problem Drywall on March 18, 2011, which recommends the replacement of all contaminated drywall and replacement of fire safety alarm devices, electrical distribution components, and gas service piping and fire suppression sprinkler systems.

(4) In addition, homeowners with contaminated drywall from China have indicated that the drywall releases a strong sulfur-like odor that renders the home uninhabitable.

(5) Companies in China that manufactured and exported the contaminated drywall to the United States have refused to meet with United States officials,

including representatives of the Consumer Product Safety Commission, have not provided financial assistance to homeowners with contaminated drywall from China, and have not submitted to jurisdiction in United States Federal Courts that are hearing cases on contaminated drywall from China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should insist that Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported contaminated drywall to the United States, have the companies meet with representatives of the United States Government on remedying homeowners that have contaminated drywall in their homes; and

(2) the Secretary of State should insist that the Government of the People's Republic of China have the companies that manufactured and exported contaminated drywall submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with contaminated drywall.

SEC. 1155. RIGHTS OF RELIGIOUS MINORITIES IN EGYPT.

(a) STATEMENT OF CONGRESS.—Congress is concerned about the state of religious freedom in Egypt and the plight of religious minorities in the country, including Coptic Christians.

(b) SENSE OF CONGRESS.—The Office of International Religious Freedom and the Bureau of Democracy, Human Rights and Labor at the Department of State should dedicate all appropriate resources to promoting the rights of religious minorities in Egypt.

SEC. 1156. PLIGHT OF COPTIC CHRISTIANS IN EGYPT.

(a) FINDINGS.—Congress finds the following:

(1) Coptic Christians in Egypt have been subject to discrimination, oppression, and violent attacks as documented by the United State Commission on International Religious Freedom (USCIRF) and other human rights groups.

(2) USCIRF has called for Egypt to be designated as a Country of Particular Concern pursuant to the International Religious Freedom Act of 1998.

(3) Credible reports concerning the disappearance, forced conversion, and forced marriages of Coptic Christian women and girls in Egypt reveal a consistent pattern of targeting such vulnerable individuals with deceptive practices, often involving psychological and physical abuse, including rape, beatings, confinement, and isolation from their families.

(4) The Government of Egypt has failed to credibly investigate these allegations, creating a climate of impunity for the perpetrators of these crimes and denying justice to the victims and their families.

(5) The current political uncertainty in Egypt has increased concerns as to whether the religious freedom and other human rights of Coptic Christians will be respected and protected.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administration should include the protection of Coptic Christian communities and respect for their human rights as a priority in diplomatic engagements with the Government of Egypt, including regular bilateral consultations on the status of investigations, prosecutions, sentencing, and imprisonment of perpetrators of human rights violations against Coptic Christians.

SEC. 1157. STATE SPONSORSHIP OF TERRORISM BY ERITREA.

It is the sense of Congress that—

(1) given the growing security threat from al Shabaab, a United States-designated foreign terrorist organization, every effort should be made to tackle its outside sources of support;

(2) Eritrea's ongoing and well-documented support for armed insurgents in Somalia, including al Shabaab, poses a significant threat to the national security interests of the United States and East African countries; and

(3) the Secretary of State should designate Eritrea as a state sponsor of terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act of 1961.

SEC. 1158. HOLOCAUST-ERA PROPERTY RESTITUTION AND COMPENSATION BY CERTAIN EUROPEAN COUNTRIES.

It is the sense of Congress that—

(1) countries in Central and Eastern Europe that have not already done so should return looted and confiscated properties from the Holocaust to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of justice and in an expeditious manner that is transparent and fair;

(2) to this end, such countries should follow the Terezin Declaration of June 30, 2009, and the Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, including the Period of World War II, both of which were adopted by more than 40 countries in Prague on June 9, 2010; and

(3) countries in Central and Eastern Europe should enact and implement appropriate restitution and compensation legislation to facilitate private, communal, and religious property restitution.

SEC. 1159. DEMOCRACY IN GEORGIA.

It is the sense of Congress that—

(1) Georgia is a strategic partner of the United States and the United States should fully support the development and consolidation of effective democratic governance in Georgia, respect for human rights and the rule of law, an independent media, and a vibrant civil society;

(2) the United States should support the strengthening of democratic government institutions, including truly independent executive, judicial, and legislative branches that exhibit effective transparency and accountability;

(3) the United States should support a free and fair electoral system in Georgia with a diverse and robust multi-party political system representative of Georgia's diverse population;

(4) the United States should fully support Georgia's efforts to join NATO and the transatlantic community; and

(5) the United States should fully support Georgia's territorial integrity and should urge the European Union, its Member States, and other responsible countries to call for an immediate and complete withdrawal of Russian troops occupying Georgian territory in accordance with the August and September 2008 ceasefire agreements.

SEC. 1160. URGING THE IMMEDIATE RETURN OF UNITED STATES CHILDREN ABDUCTED TO JAPAN.

(a) FINDINGS.—Congress finds the following:

(1) More than 300 United States children have been wrongfully removed to and retained in Japan since the United States began keeping records in 1994.

(2) At least 31 United States children were wrongfully removed to and retained in Japan in 2010 alone.

(3) The Department of State currently has at least 113 open cases involving 156 children who have been reported to the Department and who are being retained in Japan against the wishes of their parent in the United States and, in many cases, in direct violation of a valid United States court order.

(4) Congress is not aware of any legal decision that has been issued and enforced by the Government of Japan to return a single abducted child to the United States.

(5) Japan has announced that it is preparing to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention").

(6) The Hague Convention provides enumerated defenses designed to provide protection to children alleged to be subjected to a grave risk of physical or psychological harm in the left-behind country.

(7) The Hague Convention by its own terms would not apply to any abductions occurring before Japan's ratification of the Hague Convention, therefore necessitating that a separate protocol be established to immediately address the existing abduction cases of all United States children wrongfully removed to and currently retained in Japan.

(8) According to the Department of State's April 2009 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle with identity issues, their own personal relationships, and parenting.

(9) Left-behind parents may encounter substantial psychological, emotional, and financial problems, and many may not have the financial resources to pursue civil or criminal remedies for the return of their children in foreign courts or political systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention"), if ratified by Japan, will not provide for the reso-

lution of the existing cases involving the abductions of more than 156 United States children to Japan;

(2) the United States, by way of a memorandum of understanding with the Government of Japan, and through all other appropriate means, should seek the immediate return of all United States children wrongfully removed to or retained in Japan; and

(3) the Secretary of State should take any and all other appropriate measures to ensure that left behind parents with United States children wrongfully removed or retained in Japan, have direct access and communications with their children.

SEC. 1161. RELATING TO THE QUARTET AND CONTACTS WITH ANY PALESTINIAN GOVERNMENT.

(a) FINDINGS.—Congress finds the following:

(1) On January 30, 2006, the Quartet stated that all members of a future Palestinian government must be committed to nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap, and recalled this statement on March 30, 2006, following the formation of a Hamas-controlled Palestinian government.

(2) On July 5, 2011, the Quartet called for an end to the deplorable five-year detention of Gilad Shalit.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should urge the Quartet to adopt the immediate and unconditional release of Gilad Shalit as an additional condition for contact with any Palestinian government in which Hamas participates.

SEC. 1162. DEMOCRACY AND THE RULE OF LAW IN THE RUSSIAN FEDERATION.

It is the sense of Congress that—

(1) the Government of the Russian Federation should—

(A) safeguard human rights, including freedoms of speech, assembly, and association; and

(B) take all necessary steps to ensure that the upcoming parliamentary and presidential elections meet international electoral standards and are universal, free, equal, fair, secret, transparent, and accountable and to—

(i) allow credible, independent electoral observers, both domestic and international for both long-term and short-term observation missions, unrestricted and timely access to complete their work;

(ii) take steps to ensure that the text and implementation of election law in the Russian Federation is consistent with international electoral standards;

(iii) provide access to the ballot for all political parties and candidates by removing unreasonable barriers to political party registration and to candidate acceptance on electoral ballots and by ensuring fair, impartial, and timely consideration of all political party registration applications; and

(iv) undertake an impartial, independent investigation of the procedures used to deny the party registration application of the Party of the People's Freedom (PARNAS) to ensure that the procedures used were consistent with international standards; and

(2) the President and the Secretary of State should make respect for democracy, the rule of law, and human rights a priority in the ongoing relationship and dialogue between the Governments of the United States and the Russian Federation, in particular in light of the upcoming parliamentary and presidential elections in Russia.

SEC. 1163. REPUBLIC OF THE SUDAN AND REPUBLIC OF SOUTH SUDAN.

(a) FINDINGS.—Congress finds the following:

(1) The United States was a witness to the 2005 Comprehensive Peace Agreement (CPA), which marked the end of more than two decades of civil war between North and South Sudan that resulted in the deaths of more than 2,000,000 people.

(2) The CPA provided the framework for a historic referendum to determine the future status of South Sudan held between January 9, 2011, and January 15, 2011.

(3) On February 7, 2011, the Southern Sudan Referendum Commission announced that the people of South Sudan voted in favor of succession from the Republic of the Sudan by a margin of 98.8 percent in a credible and transparent vote.

(4) The mandate for the United Nations Mission in Sudan (UNMIS), which was established by United Nations Security Council Resolution 1590 on March

24, 2005, and was instrumental in supporting the implementation of the CPA, expired on July 9, 2011, with the completion of the CPA Interim Period.

(5) The mandate for the United Nations Mission in South Sudan (UNMISS), as established by United Nations Security Council Resolution 1996 (2011), commenced on July 9, 2011.

(6) Several outstanding issues relating to CPA implementation and potential points of conflict remain unresolved between North and South Sudan, including the final status of the contested area of Abyei, ongoing violence in Southern Kordofan and Blue Nile, disputed border areas, citizenship rights and nationality, division of oil resources and profits, currency, international debt and assets, the liberation of slaves from South Sudan still held in Sudan, and other matters.

(7) Lasting peace and stability for the region cannot be realized until all outstanding elements of the CPA are dealt with in a fair and peaceful manner and a comprehensive peace is secured in Darfur.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the independence of the Republic of South Sudan represents an historic opportunity for peace in the region and the people of South Sudan should be commended for freely and peacefully expressing their desire for independence through a credible and transparent referendum;

(2) the people and leaders of South Sudan should be commended for their efforts to reach this historic milestone;

(3) all parties should continue to work to resolve outstanding matters relating to implementation of the Comprehensive Peace Agreement for Sudan, including the final status of Abyei, disputed border areas, the completion of popular consultations and security arrangements in Southern Kordofan and Blue Nile, citizenship and nationality, division of oil resources and profits, currency, international debt and assets, the liberation of slaves from South Sudan still held in Sudan, and other matters in order to ensure a smooth transition to two states and to mitigate points of conflict;

(4) all parties should fully implement their June 20, 2011, agreement on temporary arrangements for the contested Abyei area and swiftly establish a cessation of hostilities in Southern Kordofan;

(5) the deployment of up to 4,200 Ethiopian peacekeepers to Abyei and the new United Nations Mission in South Sudan (UNMISS) are expected to help provide security and stability in the region;

(6) peace, rule of law, security, and good governance should be promoted throughout Sudan and South Sudan, particularly efforts to—

(A) advance security and stability in both countries, especially in critical areas such as Darfur, Blue Nile, and Southern Kordofan and in Abyei;

(B) promote respect for the human and civil rights of all, including southerners living in Sudan and northerners living in South Sudan;

(C) encourage the development of multi-party democracy, vibrant democratic institutions, and freedom of speech and association;

(D) prevent extremists groups from exploiting the territories of Sudan and South Sudan and encourage full cooperation with the United States on counterterrorism priorities; and

(E) encourage a productive relationship between Sudan and South Sudan that recognizes the mutual need for cooperation and an open flow of people and goods across borders and to refrain from the use of proxy forces to foment conflict;

(7) the United States and other responsible countries should support the Legislative Assembly of the Republic of South Sudan, and the Auditor General's office as it works to create a Petroleum Directorate, to ensure full accountability in the management of the country's oil sector; and

(8) the Darfur peace process should remain a priority in United States relations with Sudan, particularly with regard to efforts to secure a just and lasting peace in Darfur, humanitarian access to vulnerable populations, and freedom of movement for the African Union-United Nations Mission in Darfur (UNAMID).

SEC. 1164. SALE OF F-16 FIGHTER AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress finds the following:

(1) The Taiwan Relations Act (Public Law 96–8) codified in law the basis for continued commercial, cultural, and other relations between the people of the United States and the people of Taiwan.

(2) The Taiwan Relations Act states that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability", and that "both the President and the Congress shall determine the na-

ture and quantity of such defense articles and services based solely upon their judgment on the needs of Taiwan, in accordance with procedures established by law".

(3) A Department of Defense report on the military power of the People's Republic of China in 2010 stated that "China's military build-up opposite [Taiwan] continued unabated. The [People's Liberation Army] is developing the capability to deter Taiwan independence or influence Taiwan to settle the dispute on Beijing's terms. . .[and] the balance of cross-Strait military forces continues to shift in the mainland's favor".

(4) A Defense Intelligence Agency assessment of Taiwan's air defense status in 2010 concluded that while Taiwan has nearly 400 combat aircraft in service, "far fewer are operationally capable".

(5) Taiwan's president stated in a newspaper interview on February 17, 2011, that Taiwan needs both new F-16 C/D fighter jets and upgrades to the Taiwan Air Forces' existing fleet of F-16 A/B fighter jets to "maintain a certain defensive and fighting capability".

(6) The president of Taiwan stated his administration's desire to acquire F-16 C/Ds in a May 12, 2010, video address to the United States where he asked the United States to provide Taiwan with the necessary weapons to keep its aerial integrity intact.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States, in accordance with the Taiwan Relations Act, should continue to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability; and

(2) the President should take immediate steps to sell to Taiwan—

(A) all the F-16 fighter jets that are needed by Taiwan, including new F-16 C/D aircraft and upgrades to the existing F-16 A/B fleet; and

(B) diesel submarines, offered to Taiwan by the United States in 2001, once Taiwan has budgeted for such submarines.

SEC. 1165. OFFICIAL CONTACTS WITH GOVERNMENT OF TURKEY.

It is the sense of Congress that the Secretary of State, in all official contacts with Turkish leaders and other Turkish officials, should emphasize that Turkey should—

(1) end all forms of religious discrimination;

(2) allow the rightful church and lay owners of Christian church properties, without hindrance or restriction, to organize and administer prayer services, religious education, clerical training, appointments, and succession, religious community gatherings, social services, including ministry to the needs of the poor and infirm, and other religious activities;

(3) return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including movable properties, such as artwork, manuscripts, vestments, vessels, and other artifacts; and

(4) allow the rightful Christian church and lay owners of Christian church properties, without hindrance or restriction, to preserve, reconstruct, and repair, as they see fit, all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.

SEC. 1166. RESTRICTIONS ON RELIGIOUS FREEDOM IN VIETNAM.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of State, under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) and authority delegated by the President, designates nations found guilty of "particularly severe violations of religious freedom" as "Countries of Particular Concern" ("CPC").

(2) In November 2006, the Secretary of State announced that the Socialist Republic of Vietnam was no longer designated as a "Country of Particular Concern".

(3) The Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai groups continue to face unwarranted abuses because of their attempts to organize independently of the Government of Vietnam, including the detention and imprisonment of individual members of these religious communities.

(4) In September 2009, Vietnamese police cordoned off a Lang Mai Buddhist monastery, and monks were beaten, degraded, and sexually assaulted by undercover policemen and civilians.

(5) Protestants continue to face beatings and other ill-treatment, harassment, fines, threats, and forced renunciations of faith.

(6) According to Human Rights Watch, 355 Montagnard Protestants remain in prison, arrested after 2001 and 2004 demonstrations for land rights and religious freedom in the Central Highlands.

(7) According to the United States Commission on International Religious Freedom, there are reports that some Montagnard Protestants were imprisoned because of their religious affiliation or activities or because religious leaders failed to inform on members of their religious community who allegedly participated in demonstrations.

(8) Ksor Tino, a Degar Christian, died on September 6, 2009, after being detained in a Plei Ku city prison and being tortured repeatedly with electric prods and severe physical punishment for refusing to join a government sanctioned religion.

(9) On November 11, 2010, hundreds of Vietnamese police violently attacked a Catholic prayer service in the Gia Lai Provence, leaving 9 of the beaten unconscious from strokes to the head.

(10) According to the United States Commission on International Religious Freedom 2010 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code and Fr. Phan Van Loi is being held without official detention orders under house arrest.

(11) At least 15 individuals are being detained in long term house arrest for reasons related to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV.

(12) UBCV monks and youth groups leaders are harassed and detained and charitable activities are denied, Vietnamese officials discriminate against ethnic minority Protestants by denying medical, housing, and educational benefits to children and families, an ethnic minority Protestant was beaten to death for refusing to recant his faith, over 600 Hmong Protestant churches are refused legal recognition or affiliation, leading to harassment, detentions, and home destructions, and a government handbook on religion instructs government officials to control existing religious practice, halt "enemy forces" from "abusing religion" to undermine the Vietnamese Government, and "overcome the extraordinary growth of Protestantism."

(13) Since August 2008, the Vietnamese Government has arrested and sentenced at least eight individuals and beaten, tear-gassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish.

(14) Local police and mobile "anti-riot" police attacked a funeral procession in the Con Dau parish on May 4, 2010, shooting tear gas and rubber bullets, beating residents with batons and electric rods, injuring 100, and killing at least one.

(15) The United States Commission on International Religious Freedom, prominent nongovernmental organizations, and representative associations of Vietnamese-American, Montagnard-American, and Khmer-American organizations have called for the redesignation of Vietnam as a CPC.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of State should place Vietnam on the list of "Countries of Particular Concern" for particularly severe violations of religious freedom; and

(2) the Government of Vietnam should lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

SEC. 1167. EUROPEAN ARMS SALES TO CHINA.

It is the sense of Congress that—

(1) the European Union should continue its ban on all arms exports to the People's Republic of China;

(2) the President should raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China;

(3) the United States Government should make clear in discussions with the governments of countries in the European Union that a lifting of the European Arms Embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(4) the European Union should make legally binding and enforceable its Code of Conduct for Arms Exports;

(5) human rights abuses in the People's Republic of China remain a matter of concern for United States foreign policy;

(6) the continuing military build-up of the Government of the People's Republic of China aimed at Taiwan and the ongoing weapon of mass destruction- and missile-related proliferation of state-sponsored companies in China are matters of grave concern to United States foreign and national security policy; and

(7) the United States Government and the European Union should work cooperatively to develop a common strategy to limit sensitive technologies exported to the People's Republic of China, seek improvement in the human rights conditions in and the export control practices of the People's Republic of China, as well as an end to the ongoing proliferation of weapons of mass destruction and ballistic missile related technology from China to state sponsors of terrorism.

TITLE XII—LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 1201. SHORT TITLE.

This title may be cited as the "Preparing the Palestinian People for Peace Act of 2011".

SEC. 1202. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Palestinian Authority has not fully lived up to its prior agreements with Israel to end incitement; and

(2) the Palestinian Authority should do more to prepare the Palestinian people for peace with Israel.

SEC. 1203. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended by section 933, is further amended by adding at the end the following:

"SEC. 620O. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

"(a) LIMITATION.—Funds may not be provided under this Act to the Palestinian Authority except during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall certify in writing to Congress that the Palestinian Authority—

"(1) is not engaging in a pattern of incitement against Israel; and

"(2) is engaged in peace preparation activities, that is, activities aimed at promoting peace with the Jewish state of Israel.

"(c) WAIVER.—The limitation of subsection (a) shall not apply if the President certifies in writing to Congress that waiving such prohibition is important to the national security interests of the United States.

"(d) REPORT.—Whenever the waiver authority pursuant to subsection (c) is exercised, the President shall submit to Congress a report detailing the justification for the waiver, the purposes for which the funds will be spent, and the reasons the President is unable to make the certification in subsection (b). Such report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons, halt incitement, dismantle the terrorist infrastructure, and promote peace with the Jewish state of Israel.

"(e) DEFINITIONS.—In this section:

"(1) CONGRESS.—The term 'Congress' means—

"(A) the Speaker, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

"(B) the President pro tempore, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

"(2) INCITEMENT.—The term 'incitement' means any of the following that is sponsored, supported, or directed by officials or employees of the Palestinian Authority or Palestinian Authority-controlled, sponsored, or supported electronic, broad cast, and print media, schools, mosques, and institutions:

"(A) Statements, media, communication, or other activities against any religion, ethnicity, or nationality.

"(B) Advocacy, endorsement, or glorification of violence, martyrdom, or terrorism.

"(C) Endorsement, glorification, honor, or other memorialization of any person or group that has advocated, sponsored, or committed acts of terrorism, including the naming after or dedication to such person or group of any school, community center, camp, stadium, public square, street, land, landmark, waterway, or other facility.

"(3) PEACE PREPARATION ACTIVITIES.—The term 'peace preparation activities' means Arabic-language communications and educational activities sponsored by the Palestinian Authority, which are communicated or administered via electronic, broad cast and print media, schools, mosques and statements by government officials that may include the following:

"(A) Public acknowledgments of the State of Israel's right to exist as a Jewish state.

"(B) Firm public commitments to and endorsements of peaceful co-existence with the Jewish State of Israel.

"(C) Production, distribution, and public display via all media platforms, schools, mosques, educational materials and elsewhere of maps that show the State of Israel existing as 'Israel' side-by-side with 'Palestine' and halting all production, distribution, or public display of maps that do not include a state of Israel.

"(D) Renouncing any and all future rights or claims to commit acts of violence against Israel.".

BACKGROUND AND PURPOSE

The Foreign Relations Authorization Act, Fiscal Year 2012, authorizes funding for and reforms to the Department of State, the Broadcasting Board of Governors, the Peace Corps, and major components of United States foreign assistance and military assistance, as well as containing numerous provisions on foreign policy priorities.

This legislation is the product of extensive oversight efforts, including detailed review of congressional notifications, briefings, hearings with Administration officials and an array of independent experts, culminating in a markup whose length, breadth, and openness is unique in the recent history of this Committee. During two days of extended and unconstrained debate, the Committee disposed of 118 amendments. Of the 77 first-degree amendments that were adopted, 36 were offered by Members of the Minority, including six by the Ranking Member. The bill adopted by the Committee is a true collective effort representing the diversity of viewpoints on this Committee.

Our intention from the first has been to restore the Committee's authority to provide clear policy guidance to the appropriators on a range of central foreign policy issues. In furtherance of that goal, the introduced bill placed great emphasis on fiscal responsibility and was based on the spending levels contained in the bipartisan fiscal year 2011 continuing resolution. The bill reported by the Committee achieves billions of dollars in additional savings in comparison with the proposed fiscal year 2012 budget.

The principal focus of the legislation is on ensuring greater efficiency and transparency in the State Department, the Agency for International Development, and other agencies, programs, and operations under the jurisdiction of the Foreign Affairs Committee, rather than allowing the Executive Branch bureaucracies and budgets to grow without accountability. Seeking to maximize the return on U.S. investments and to "do more with less," it establishes clear funding priorities and key objectives that include:

- Replacing failed policies in foreign assistance that over decades have resulted in perpetual dependence and corruption on the part of recipient governments, with measures that promote economic growth, as well as greater efficiency and accountability to end the waste and mismanagement of U.S. taxpayer dollars.

- Reaffirming U.S. support for our ally Israel, including a guarantee of a qualitative military edge over its enemies and continued close cooperation on missile defense.
- Placing conditions on the provision of U.S. assistance to Egypt, Lebanon, Yemen, and the Palestinian Authority, to prevent U.S. taxpayer funds from being used to support governments that include foreign terrorist organizations or extremist groups such as Hamas and Hezbollah in policy positions.
- Enhancing U.S. nonproliferation policy, including by strengthening the Proliferation Security Initiative, to prevent Iran and other rogue states from acquiring nuclear weapons, ballistic missiles, and other means of assaulting the U.S. and our allies.
- Strengthening the Committee's long support for human rights and democracy programs.
- Mandating reform of the State Department Inspector General and the Peace Corps, including addressing the sexual assault and abuse that Peace Corps volunteers have been subjected to and that have been ignored or covered up by officials for decades.

These are only a few of the major reforms this legislation advances. It does so within the discipline of current fiscal reality, where decisions must be based on a sober calculation of whether the likely results of programs justify borrowing the money to pay for them. This bill meets that exacting standard, even as it secures and promotes the interests of the American people.

HEARINGS

The Committee and its subcommittees held numerous hearings on issues related to the bill, including the following:

FULL COMMITTEE

July 7, 2011, "Time to Pause the Reset? Defending U.S. Interests in the Face of Russian Aggression" (Katrina Lantos Swett, Ph.D., Mr. Ariel Cohen, The Honorable Steve Sestanovich)

June 23, 2011, "Iran and Syria: Next Steps" (with the Honorable John Bolton, Mr. Olli Heinonen, Mr. Robert Satloff)

June 16, 2011, "Why Taiwan Matters" (Ms. June Teufel Dreyer, Mr. Randall G. Schriver, Mr. Rupert J. Hammond-Chambers, Ms. Nancy Bernkopf Tucker)

June 2, 2011, "Religious Freedom, Democracy, Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korean Human Rights Act" (The Honorable Robert King, The Honorable Daniel B. Baer, The Honorable Joseph Y. Yun, Mr. Richard Gere, Mr. Chuck Downs, Mr. Aung Din, Ms. Sophie Richardson)

May 12, 2011, "Export Controls, Arms Sales, and Reform: Balancing U.S. Interests, Part 1" (The Honorable Ellen Tauscher, The Honorable Eric L. Hirschhorn, The Honorable James N. Miller, Jr.)

May 11, 2011, "Peace Corps at 50" (Ms. Jessica Smochek, Ms. Carol Clark, Karestan Chase Koenen, Ph.D., Ms. Lois Puzey, Ms.

Jennifer Wilson Marsh, The Honorable Aaron S. Williams, Ms. Kathy A. Buller)

April 7, 2011, "Reforming the United Nations: The Future of U.S. Policy" (The Honorable Susan Rice)

April 5, 2011, "Watching the Watchers: The Need for Systemic Reforms and Independence of the State Department Inspector General" (Ms. Jeanette M. Franzel, Mr. Harold W. Geisel)

March 17, 2011, "The Global Nuclear Revival and U.S. Nonproliferation Policy" (Mr. Olli Heinonen, The Honorable William J. Perry, Mr. Henry Sokolski, Mr. Gene Aloise)

March 16, 2011, "The Agency for International Development and the Millennium Challenge Corporation: Fiscal Year 2012 Budget Requests and Future Directions in Foreign Assistance" (Mr. Daniel Yohannes, Dr. Rajiv Shah)

March 3, 2011, "Reforming the United Nations: Lessons Learned" (The Honorable Mark D. Wallace, The Honorable Terry Miller, Mr. Ted Piccone)

March 1, 2011, "Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges" (The Honorable Hillary Rodham Clinton)

February 10, 2011, "Recent Developments in Egypt and Lebanon: Implications for U.S. Policy and Allies in the Broader Middle East, Part 2" (The Honorable James B. Steinberg)

February 9, 2011, "Recent Developments in Egypt and Lebanon: Implications for U.S. Policy and Allies in the Broader Middle East, Part 1" (The Honorable Elliott Abrams, The Honorable Lorne Craner, Dr. Robert Satloff)

January 25, 2011, "The United Nations: Urgent Problems that Need Congressional Action" (Mr. Brett Schaefer, Mr. Robert Appleton, Ms. Claudia Rosett, Mr. Hillel C. Neuer, Mr. Peter Yeo, Mr. Mark Quarterman)

January 19, 2011, "Assessing China's Behavior and its Impact on U.S. Interests" (Mr. Larry Wortzel, Mr. Yang Jianli, Ph.D., Mr. Gordon Chang, Mr. Robert G. Sutter)

January 18, 2011, "Sudan at the Crossroads" (The Honorable Princeton Lyman, The Honorable Richard S. Williamson, Mr. Omer Ismail)

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

June 16, 2011, "Africa's Newest Nation: The Republic of Southern Sudan" (Mr. Eduardo Hiiboro Kussala, Mr. John Eibner, Ms. Dana Lyons Wilkins, The Honorable Roger Winter, The Honorable Princeton Lyman, Ms. Rajakumari Jandhyala)

May 13, 2011, "China's Latest Crackdown on Dissent" (Mr. Wei Jingsheng, Mr. Harry Wu, Ms. Jing Zhang, Mr. Steven Mosher, Mr. Phelim Kine, Ms. Andrea Worden)

May 10, 2011, "Governance, Democracy, Human Rights, and the Millennium Challenge Corporation in Africa: The FY2012 Proposed Budget" (The Honorable Johnnie Carson, Ms. Sharon Cromer, Mr. Patrick Fine)

SUBCOMMITTEE ON ASIA AND THE PACIFIC

March 31, 2011, "Asia Overview: Protecting American Interests in China and Asia" (The Honorable Kurt Campbell , Mr. James

Fellowes, Mr. Calman Cohen, Michael Auslin, Ph.D., J. Kent Millington, DBA)

SUBCOMMITTEE ON EUROPE AND EURASIA

May 5, 2011, "Overview of Security Issues in Europe and Eurasia Subcommittee on Europe and Eurasia" (The Honorable Daniel Benjamin, Mr. Mark Koumans, Gary J. Schmitt, Ph.D., Ms. Sally McNamara)

April 14, 2011, "Budget Oversight: Examining the President's 2012 Budget Request for Europe and Eurasia" (Mr. Daniel Rosenblum, Ms. Susan Elliott, Ms. Paige Alexander, Ms. Nisha Biswal)

March 10, 2011, "Overview of U.S. Relations with Europe and Eurasia" (The Honorable Robert O. Blake, The Honorable Philip H. Gordon)

SUBCOMMITTEE ON THE MIDDLE EAST AND SOUTH ASIA

July 12, 2011, "Promoting Peace? Reexamining U.S. Aid to the Palestinian Authority" (The Honorable Jacob Walles, Lieutenant General Mike Moeller, The Honorable George A. Laudato)

June 23, 2011, "Preserving Progress: Transitioning Authority and Implementing the Strategic Framework in Iraq, Part 2" (The Honorable Steve Chabot, Mr. Max Boot, Mr. Michael Eisenstadt, Richard Fontaine, Ms. Marisa Cochrane Sullivan)

June 1, 2011, "Preserving Progress: Transitioning Authority and Implementing the Strategic Framework in Iraq, Part 1" (Ms. Patricia M. Haslach, Mr. Christopher Crowley and Colin Kahl, Ph.D.)

May 5, 2011, "Shifting Sands: Political Transitions in the Middle East, Part 2" (The Honorable Michael H. Posner and Ms. Tamara Wittes)

April 13, 2011, "Shifting Sands: Political Transitions in the Middle East, Part 1" (Mr. Eliot Cohen, Ph.D., Mr. J. Scott Carpenter, Mr. Michael Makovsky, Ph.D.)

April 5, 2011, "Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in South Asia" (The Honorable Robert O. Blake, The Honorable Nisha Desai Biswal, Mr. Daniel Feldman, Mr. Donald Sampler)

March 10, 2011, "Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in the Middle East" (The Honorable Jeffrey D. Feltman , Mr. George A. Laudato)

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

May 25, 2011, "UN Climate Talks and Power Politics: It's Not about the Temperature" (Mr. Todd D. Stern, Mr. Elliot Diringer, Daniel Twining, Ph.D. , Steven F. Hayward, Ph.D.)

April 15, 2011, "Communist Chinese Cyber-Attacks, Cyber-Espionage and Theft of American Technology" (Pat Choate, Ph.D., Mr. Richard Fisher, The Honorable Edward Timperlake, Adam Segal, Ph.D.)

April 6, 2011, "Is America's Overseas Broadcasting Undermining our National Interest and the Fight Against Tyrannical Regimes? (Ms. Jennifer Park Stout, Mr. Philo L. Dibble, The Hon-

orable S. Enders Wimbush, John Lenczowski, Ph.D., Shiyu Zhou, Ph.D., Mr. Amir Fakhravar, Mr. Robert Reilly)

SUBCOMMITTEE ON TERRORISM, NONPROLIFERATION, AND TRADE

June 15, 2011, "Global Maritime Piracy: Fueling Terrorism, Harming Trade" (The Honorable Andrew J. Shapiro, Mr. William F. Wechsler)

April 14, 2011, "The State Department's Counterterrorism Office: Budget, Reorganization, Policies" (The Honorable Daniel Benjamin)

April 6, 2011, "Financial Hardball: Corralling Terrorists and Proliferators" (Mr. Juan C. Zarate, David Asher, Ph.D., Professor Orde F. Kittrie)

March 9, 2011, "China's Indigenous Innovation Trade and Investment Policies: How Great a Threat? (Ms. Karen Laney, Mr. Philip I. Levy, Mr. Peter Brookes, Ms. Thea M. Lee)

SUBCOMMITTEE ON THE WESTERN HEMISPHERE

April 13, 2011, "Priorities for U.S. Assistance in the Western Hemisphere" (The Honorable Arturo Valenzuela, The Honorable Mark Feierstein, The Honorable Adolfo A. Franco, The Honorable Mark L. Schneider)

March 31, 2011, "Rising Oil Prices and Dependence on Hostile Regimes: The Urgent Case for Canadian Oil" (The Honorable David L. Goldwyn, Mr. Jeremy Symons, Mr. Lucian Pugliaresi, Paul Sullivan, Ph.D.)

March 17, 2011, "The Colombia and Panama Free Trade Agreements: National Security and Foreign Policy Priorities" (The Honorable Christopher A. Padilla, The Honorable James R. Jones)

February 15, 2011, "Does the U.S. have a Policy toward Latin America? Assessing the Impact to U.S. Interests and Allies" (The Honorable Arturo Valenzuela)

JOINT SUBCOMMITTEE HEARING (WESTERN HEMISPHERE, MIDDLE EAST AND SOUTH ASIA, OVERSIGHT AND GOVERNMENT REFORM)

June 24, 2011, "Venezuela's Sanctionable Activity" (The Honorable Daniel Benjamin, Mr. Thomas L. Delare, Mr. Kevin Whitaker, Mr. Adam J. Szubin)

COMMITTEE CONSIDERATION AND VOTES

On Wednesday, July 20, and Thursday, July 21, 2011, the Committee met to mark up the bill H.R. 2583. Committee consideration proceeded as outlined below. Amendment texts and descriptions are available through the Markup Summary page on the Committee website (http://foreignaffairs.house.gov/112/2583MarkupSummaryFINAL.htm).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

1) Rep. Mack offered an amendment, Mack 31; agreed to by Roll Call vote of 22 ayes–20 noes

Voting YES: Ros-Lehtinen, Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, McCaul,

Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

Voting NO: Smith (NJ), Fortenberry, Berman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Wilson (FL), Bass (CA), Keating, and Cicilline.

2) Rep. Payne offered an amendment, Payne 29; not agreed to by Roll Call vote of 17 ayes–21noes.

Voting YES: Berman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Rohrabacher, Royce, Chabot, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

3) Rep. Poe offered an amendment, Poe 164; agreed to by Roll Call vote of 23 ayes–17 noes.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), and Keating.

a. Rep. Carnahan offered a 2nd degree amendment to Poe 164; not agree to by Roll Call vote of 16 ayes–23 noes.

Voting YES: Berman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), and Keating.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

4) Rep. Carnahan offered an amendment, Carnahan 560; not agreed to by Roll Call vote of 18 ayes–23 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

5) Rep. Payne offered an amendment, Payne 561; not agreed to by Roll Call vote of 18 ayes–21 noes.

Voting YES: Smith (NJ), Fortenberry, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan,

Sires, Cardoza, Higgins, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, McCaul, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers, Connolly, and Chandler.

6) Rep. Bass (CA) offered an amendment, Bass (CA) 565; not agreed to by Roll Call vote of 18 ayes–25 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Deutch, Cardoza, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Paul, Pence, Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Connolly, and Chandler.

7) Rep. Wilson of Florida offered an amendment, Wilson 562; not agreed to by Roll Call vote of 19 ayes–25 noes.

Voting YES: Ros-Lehtinen, Rivera, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Deutch, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Paul, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Kelly, Griffin, Marino, Duncan, Buerkle, Connolly, Cardoza, and Chandler.

8) Rep. Higgins offered an amendment, Higgins 17; not agreed to by a Roll Call vote of 19 ayes–25 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Paul, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Chandler.

9) Rep. Higgins offered an amendment, Higgins 16; not agreed to by Roll Call vote of 20 ayes–24 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Paul, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), and Buerkle.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

10) Rep. Wilson of Florida offered an amendment, Wilson 581; agreed to by Unanimous Consent

11) Rep. Mack offered an amendment, Mack 32; agreed to by Roll Call vote of 30 ayes–14 noes.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Paul, Pence, Wilson (SC), Mack, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Faleomavaega, Engel, Sires, Connolly, Cardoza, Chandler, and Higgins.

Voting NO: Fortenberry, Berman, Ackerman, Payne, Sherman, Meeks, Carnahan, Deutch, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

12) Rep. Higgins offered an amendment, Higgins 15; withdrawn

13) Rep. Berman offered an amendment, Deutch 621; not agreed to by Roll Call vote of 18 ayes–20 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Rohrabacher, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), and Buerkle.

14) Rep. Berman offered an amendment, Berman-Cicilline 622; agreed to by Roll Call vote of 43 ayes–1 no, as amended.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Paul

15) Rep. Deutch offered an amendment, Deutch 29; agreed to by Voice Vote.

TITLE III—ORGANIZATIONS AND PERSONNEL AUTHORITIES

16) Rep. Fortenberry offered an amendment, Fortenberry 73; withdrawn.

TITLE IV—FOREIGN ASSISTANCE

17) Rep. Poe offered an amendment, Poe-Duncan 156; agreed to by voice vote

18) Rep. Berman offered an amendment, Berman 42—withdrawn; later offered Berman 42 revised; agreed to by UC.

19) Rep. Manzullo offered an amendment, Manzullo 13; agreed to by voice vote

20) Rep. Schwartz offered an amendment, Schwartz 4; withdrawn

21) Rep. Duncan offered an amendment, Duncan 18; agreed to by voice vote

22) Rep. Schwartz offered an amendment, Schwartz 7; not agreed to by Roll Call vote of 13 ayes–23 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, and Higgins.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

23) Rep. McCaul offered an amendment, McCaul 21; agreed to by voice vote.

24) Rep. Carnahan offered an amendment, Carnahan 32; agreed to by voice vote.

25) Rep. Mack offered an amendment, Mack 30; agreed to by Roll Call vote of 23 ayes–16 noes.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Murphy (CT), Keating, and Cicilline.

26) Rep. Cicilline offered an amendment, Cicilline-Keating 23; agreed to by voice vote.

27) Rep. Poe offered an amendment, Poe 155; agreed to by voice vote

28) Rep. Deutch offered an amendment, Deutch 623; agreed to by voice vote.

29) Rep. Griffin offered an amendment, Griffin 15; agreed to by Roll Call vote of 23 ayes–19 noes.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

30) Rep. Payne offered an amendment, Payne 31; not agreed to by Roll Call vote of 21 ayes–21 noes.

Voting YES: Smith (NJ), Manzullo, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Burton, Gallegly, Rohrabacher, Royce, Chabot, Pence, Wilson (SC), Mack, McCaul, Poe, Bili-

rakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

31) Rep. Duncan offered an amendment, Duncan 19; agreed to by Roll Call vote 21 ayes–18 noes, as amended by his own 2nd degree amendment.

Voting YES: Ros-Lehtinen, Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

a. Rep. Duncan offered a 2nd degree amendment; agreed to by UC.

32) Rep. Berman offered an amendment, Berman 613; not agreed to by Roll Call vote 17 ayes–25 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Higgins, Schwartz, Murphy (CT), Wilson (FL), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers and Chandler.

33) Rep. Berman offered another amendment, Berman 582; not agreed to by Roll Call vote 18 ayes–24 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

34) Rep. Rohrabacher offered an amendment, Rohrabacher 33; not agreed to by Roll Call vote 5 ayes–39 noes.

Voting YES: Rohrabacher, Manzullo, Royce, Poe, and Keating.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), and Cicilline.

35) Rep. Deutch offered an amendment, Deutch 633; agreed to by UC.

36) Rep. Rohrabacher offered an amendment, Rohrabacher 39; not agreed to by Roll Call vote 5 ayes–39 noes.

Voting YES: Rohrabacher, Royce, Poe, Duncan (SC), and Cardoza.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Manzullo, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Buerkle, Ellmers, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

37) Rep. Fortenberry offered an amendment, Fortenberry-Payne 64; Agreed to by Roll Call Vote 44 ayes–0 noes.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: n/a

38) Rep. Fortenberry offered an amendment, Fortenberry 66; agreed to by UC.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

39) Rep. Rohrabacher offered an amendment, Rohrabacher 1; agreed to by voice vote as amended by his own 2nd degree amendment.

a. Rohrabacher offered a 2nd degree amendment; agreed to by UC.

40) Rep. Sherman offered an amendment, Sherman 614; agreed to by voice vote as amended by his own 2nd degree amendment.

a. Rep. Sherman offered a 2nd degree amendment to Sherman 614; agreed to by UC.

TITLE VI—REPORTING REQUIREMENTS

41) Rep. Fortenberry offered an amendment, Fortenberry 67; agreed to by voice vote.

42) Rep. Schwartz offered an amendment, Schwartz 5; agreed to by voice vote.

TITLE VII—PROLIFERATION SECURITY INITIATIVE

[No amendments were offered to Title VII]

TITLE VIII—MISCELLANEOUS PROVISIONS

43) Rep. Smith offered an amendment; Smith 43; agreed to by voice vote.

44) Rep. Faleomavaega offered an amendment, Faleomavaega 579; agreed to by voice vote.

45) Rep. Mack offered an amendment, Mack 33; agreed to by Roll Call vote 25 ayes–18 noes.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Paul, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Keating, and Cicilline.

a. Rep. Ackerman offered a 2nd degree amendment to Mack 33; withdrawn.

46) Rep. Schwartz offered an amendment, Schwartz 8; agreed to by voice vote.

47) Rep. Poe offered an amendment, Poe 163; agreed to by voice vote as amended by a 2nd degree amendment offered by Rep. Ackerman.

a. Rep. Ackerman offered a 2nd degree amendment to Poe 163; agreed to by UC.

48) Rep. Murphy (CT) offered an amendment, Murphy (CT) 43; withdrawn.

49) Rep. Fortenberry offered amendments to be considered en bloc, (Fortenberry 59; Fortenberry-Payne 60; Fortenberry 61; Fortenberry 63; Fortenberry 69; Fortenberry-Payne 74; and Fortenberry 76); agreed to by voice vote.

50) Rep. Payne offered an amendment, Payne 593; agreed to by voice vote.

51) Rep. Berman offered an amendment, Berman 32, agreed to by voice vote.

52) Rep. Smith offered an amendment, Smith 49; agreed to by voice vote.

53) Rep. Faleomavaega offered an amendment, Faleomavaega 8; not agreed to by Roll Call vote 17 ayes–26 noes.

Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Paul, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers and Connolly.

54) Rep. Faleomavaega offered an amendment, Faleomavaega 13; not agreed to by voice vote.

55) Rep. Smith offered an amendment, Smith 45; agreed to by voice vote.

56) Rep. Connolly offered an amendment, Connolly-Berman 578; agreed to by voice vote as amended by a 2nd degree amendment offered by Rep. Burton.

a. Rep. Burton offered a 2nd degree amendment to Connolly-Berman 578; agreed to by voice vote.

57) Rep. Rohrabacher offered an amendment, Rohrabacher 2; agreed to by voice vote.

58) Rep. Cicilline offered an amendment, Cicilline-Keating 24; agreed to by voice vote as amended by a 2nd degree amendment offered by Rep. Cicilline.
   a. Rep Cicilline offered a 2nd degree amendment to Cicilline-Keating 24; agreed to by UC.

59) Rep. Smith offered an amendment, Smith 44; agreed to by voice vote.

60) Rep. Engel offered an amendment, Engel-Mack 592; agreed to by voice vote.

61) Rep. Berman offered an amendment, Berman 6; agreed to by voice vote.

62) Rep. Griffin offered an amendment, Griffin 16; agreed to by Roll Call vote 27 ayes–17 noes.
   Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers, Meeks, Connolly, and Chandler.
   Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Carnahan, Sires, Deutch, Cardoza, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

63) Rep. Keating offered an amendment, Keating 619; not agreed to by Roll Call vote 20 ayes–24 noes.
   Voting YES: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.
   Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

64) Rep. Rohrabacher offered an amendment, Rohrabacher 13; agreed to by voice vote.

65) Rep. Engel offered an amendment, Engel 46; agreed to by Roll Call vote 44 ayes–0 noes.
   Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.
   Voting NO: n/a

66) Rep. Smith offered an amendment, Smith 55; agreed to by voice vote.

67) Rep. Berman offered an amendment, Berman 571; not agreed to by Roll Call vote of 21 ayes–23 noes.

Voting YES: Ros-Lehtinen, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

68) Rep. Murphy (CT) offered an amendment, Murphy (CT) 41; agreed to by voice vote as amended by a 2nd degree amendment offered by Rep. Meeks.

a. Rep. Meeks offered a 2nd degree amendment to Murphy (CT) 41; agreed to by voice vote.
b. Rep. Faleomavaega offered a 2nd degree amendment to Murphy (CT) 41; agreed to by voice vote.
c. Rep. Faleomavaega offered another 2nd degree amendment to Murphy (CT) 41; withdrawn.

69) Rep. Smith offered an amendment, Smith 53; agreed to by voice vote.

70) Rep. Meeks offered an amendment, Meeks-Burton 9; agreed to by voice vote.

71) Rep. Duncan offered an amendment, Duncan 15; withdrawn

72) Rep. Duncan offered an amendment, Duncan 20; agreed to by voice vote.

73) Rep. Berman offered amendments to be considered en bloc (Berman 37 and Berman 38); withdrawn.

TITLE IX—SECURITY ASSISTANCE

74) Rep. Berman offered an amendment, Berman 31; not agreed to by a Roll Call vote 22 ayes–22 noes.

Voting YES: Burton, Gallegly, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

75) Rep. Schwartz offered an amendment, Schwartz 6; agreed to by voice vote.

76) Rep. Connolly offered an amendment, Connolly 80; withdrawn.

77) Rep. Berman offered an amendment, Berman 33; agreed to by voice vote.

TITLE X—PEACE CORPS VOLUNTEER PROTECTION

[No amendments were offered to Title X]

End of bill amendments to H.R 2583:

78) Rep. Berman offered an amendment, Berman 40; ruled non-germane

79) Rep. Berman offered an amendment, Berman 48; agreed to by voice vote.

80) Rep. Cicilline offered an amendment; Cicilline 572; agreed to by voice vote as amended by a Smith 2nd degree amendment.
   a. Rep. Smith offered a 2nd degree amendment to Cicilline 572; agreed to by Roll Call vote 23 ayes–21 noes.
      Voting YES: Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.
      Voting NO: Ros-Lehtinen, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

81) Chairman Ros-Lehtinen offered amendments to be considered en bloc (Chabot 7; Chabot 71; Deutch 31; Duetch 30; Deutch 28; Bass (CA) 22; Bass (CA)12; Sherman 39; Burton 37; Royce 12; Rohrabacher 36; Duncan 21; Carnahan 28; Carnahan 31; Ros-Lehtinen 83; Berman 39); agreed to by voice vote.

82) Rep. Cicilline offered an amendment, Cicilline—; agreed to by voice vote as amended by a 2nd degree amendment offered by Rep. Berman.
   a. Rep. Berman offered a 2nd degree amendment to Cicilline—; agreed to by voice vote.

83) Rep. Engel offered an amendment, Engel 47; agreed to by voice vote.

84) Rep. Meeks offered an amendment, Meeks 12; agreed to by voice vote as amended by a 2nd degree amendment offered by Rep. Rivera.
   a. Rep. Rivera offered a 2nd degree amendment to Meeks 12; agreed to by Roll Call vote of 36 ayes–6 noes–1 present.
      Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, Ellmers, Ackerman, Faleomavaega, Engel, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Wilson, Keating, and Cicilline.
      Voting NO: Berman, Payne, Meeks, Schwartz, Murphy (CT), and Bass (CA).
      Voting PRESENT: Sherman.

H.R. 2583 was favorably reported to the House, as amended, by Roll Call vote of 23 ayes–20 noes.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Wilson (SC), Mack, Fortenberry, McCaul, Poe, Bilirakis, Schmidt, Johnson (OH),

Rivera, Kelly, Griffin, Marino, Duncan (SC), Buerkle, and Ellmers.

Voting NO: Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Cardoza, Chandler, Higgins, Schwartz, Murphy (CT), Wilson (FL), Bass (CA), Keating, and Cicilline.

The Committee adjourned.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House Rule XIII, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report, particularly the "Background and Summary" and the "Section-by-Section Analysis and Discussion" sections.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of House Rule XIII, the Committee adopts as its own the estimate of new budget authority, entitlement authority, and tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 2011.

Hon. Ileana Ros-Lehtinen, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2583, the Foreign Relations Authorization Act, Fiscal Year 2012.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226–2840.

Sincerely,

DOUGLAS W. ELMENDORF

Enclosure

cc: Honorable Howard L. Berman
Ranking Member

H.R. 2583—Foreign Relations Authorization Act, Fiscal Year 2012

As ordered reported by the House Committee on Foreign Affairs on July 21, 2011

SUMMARY

H.R. 2583 would authorize appropriations for the Department of State and related agencies, international assistance programs, and international broadcasting activities. CBO estimates that implementing the bill would have a discretionary cost of about $48 bil-

lion over the 2012–2016 period, assuming appropriation of the specified and estimated amounts.

CBO estimates that enacting the bill also would increase direct spending by $175 million over the 2012–2021 period. Finally, certain provisions, if enacted, would increase revenues, but CBO estimates that enacting those provisions would have no net effect on the deficit. Pay-as-you-go procedures apply because enacting the legislation would affect direct spending and revenues.

The bill would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), by prohibiting U.S. suppliers from exporting some items and services that are sent as non-humanitarian assistance and by eliminating an existing right of action in court. The bill would impose additional intergovernmental mandates by preempting state law. It also would impose an additional private-sector mandate by extending passport surcharges that are currently set to expire.

CBO estimates that the aggregate costs of mandates on state, local, and tribal governments would fall below the annual threshold established in UMRA for intergovernmental mandates ($71 million in 2011, adjusted annually for inflation). CBO estimates that the aggregate cost of mandates on private entities would exceed the annual threshold established in UMRA for private-sector mandates ($142 million in 2011, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2583 is shown in Table 1. The costs of this legislation fall within budget functions 050 (national defense), 150 (international affairs), 300 (natural resources and environment), 370 (commerce and housing credit), 750 (administration of justice), and 800 (general government).

TABLE 1. BUDGETARY IMPACT OF H.R. 2583, THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2012

By Fiscal Year, in Millions of Dollars

	2012	2013	2014	2015	2016	2012–2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Department of State and Related Agencies						
Estimated Authorization Level	48,679	6	7	7	7	48,706
Estimated Outlays	20,285	13,919	7,779	3,750	1,404	47,137
Global Security Contingency Fund						
Estimated Authorization Level	200	300	300	300	0	1,100
Estimated Outlays	70	185	255	284	190	984
Registration Fees for Defense Trade Controls						
Estimated Authorization Level	0	–13	–13	–13	–13	–52
Estimated Outlays	0	–8	–11	–13	–13	–45
Intellectual Property Attachés						
Estimated Authorization Level	6	6	6	6	7	31
Estimated Outlays	5	6	6	6	7	30
Assistance for Tibet						
Estimated Authorization Level	0	3	3	3	4	13
Estimated Outlays	0	2	3	3	3	11
Anti-Boycott Act						
Estimated Authorization Level	2	2	2	2	3	11
Estimated Outlays	2	2	2	2	2	10
Peace Corps						
Estimated Authorization Level	0	1	1	1	1	2
Estimated Outlays	0	*	1	1	1	2
Education Assistance to Africa						
Estimated Authorization Level	0	1	1	1	1	2
Estimated Outlays	0	*	*	*	*	1
Total Changes						
Estimated Authorization Level	48,887	305	306	306	9	49,813
Estimated Outlays	20,362	14,106	8,035	4,033	1,594	48,130
CHANGES IN DIRECT SPENDING [1,2]						
Estimated Budget Authority	0	0	0	0	0	0
Estimated Outlays	13	18	18	18	18	85

Note: Components may not sum to totals because of rounding; * = less than $500,000.

[1] H.R. 2583 also contains provisions that would increase revenues by raising criminal penalties, but those penalties would be deposited in the Crime Victims Fund and spent; therefore, CBO estimates that the net effects of those provisions would be insignificant.

[2] In addition to the changes in direct spending shown above, CBO estimates that over the 2012–2021 period, H.R. 2583 would increase direct spending by $175 million (see Table 2).

BASIS OF ESTIMATE

For this estimate, CBO assumes H.R. 2583 will be enacted near the start of fiscal year 2012, that the specified and estimated authorizations will be appropriated near the start of each fiscal year, and that outlays will follow historical patterns for similar and existing programs.

Spending Subject to Appropriation

Most of the bill's impact on spending subject to appropriation would stem from specified authorizations of almost $49 billion in 2012 for the Department of State and related agencies, the United States Agency for International Development (USAID), international assistance programs, and international broadcasting activities. The $49 billion authorized in the bill represents an in-

crease of $2.2 billion (5 percent) over the amounts provided for 2011. Included in those amounts, H.R. 2583 would authorize the appropriation of $1 billion in 2012 for Foreign Military Financing for Iraq; in previous years that security assistance has been funded through the Department of Defense. CBO estimates that implementing those provisions would cost about $47 billion over the 2012–2016 period, assuming appropriation of the specified amounts (the remainder would be spent after 2016.)

Other provisions in the bill also would have a discretionary cost. CBO estimates that implementing those provisions would require appropriations of $1.1 billion over the 2012–2016 period, with outlays of $1.0 billion over that period.

Department of State and Related Agencies. Most of the authorizations of appropriations in the bill would cover the operating expenses and other ongoing programs and activities of the Department of State and related agencies. CBO estimates that implementing those provisions would cost about $47 billion over the 2012–2016 period, assuming appropriation of the specified and estimated amounts.

Bilateral Economic Assistance. Section 911 would authorize the appropriation of $21.2 billion in 2012 for several bilateral assistance programs and certain agencies such as the Peace Corps and the Millennium Challenge Corporation. The provision contains a few specific earmarks within the authorization but does not specify the level authorized for most ongoing assistance programs. CBO assumes that the Administration would continue to provide assistance through the current mix of existing programs; we estimate that implementing section 911 would cost $20.2 billion over the 2012–2016 period.

Section 105 would authorize the appropriation of $1.7 billion in 2012 for the department's Migration and Refugee Assistance programs and CBO estimates that implementing that provision would cost that same amount over the 2012–2016 period. In total, CBO estimates that implementing the provisions affecting bilateral assistance programs and related agencies would cost almost $22 billion over the 2012–2016 period.

Operating Expenses. Section 101 would authorize the appropriation of $11.3 billion in 2012 for the State Department's operating expenses and programs. Section 912 would authorize the appropriation of $1.5 billion in 2012 for USAID operating expenses and programs. Finally, section 1013L would expand the State Department's rewards program to include paying rewards for preventing arms trafficking in Mexico. Based on information from the Administration, CBO estimates that implementing that provision would require appropriations of about $1 million a year and cost $4 million over the 2013–2016 period. In total, we estimate that implementing those three sections would cost $12.4 billion over the 2012–2016 period.

Security Assistance. Sections of titles IX and X would authorize the appropriation of $7.5 billion in 2012 for several security assistance programs, including Foreign Military Financing, Peacekeeping Operations (PKO), and International Military Education and Training (IMET). CBO estimates that implementing those provisions would cost $7.4 billion over the 2012–2016 period.

In addition to those specified authorizations, two sections of the bill also would have discretionary costs. Section 1031 would expand the purpose of the PKO program to include training for civilian security forces. Based on information from the Administration, CBO estimates that implementing this provision would require appropriations of about $5 million a year, with outlays of $16 million over the 2013–2016 period.

Section 1011A would expand the purpose of the IMET program to include training for international organizations. Based on information from the Department of State, CBO estimates that it would take the department a few years to establish new programs to fulfill that purpose and that implementing that provision would cost less than $500,000 initially but up to $1 million a year by 2015, for total spending of $2 million over the 2013–2016 period.

In total, CBO estimates that implementing provisions relating to security assistance would cost $7.4 billion over the 2012–2016 period.

Contributions to International Organizations and Commissions. Sections 102, 103, and 104 would authorize the appropriation of $3 billion in 2012 for contributions to international organizations and international peacekeeping activities and various international commissions. In total, CBO estimates that implementing those provisions would result in outlays of $3 billion over the 2012–2016 period.

Narcotics Control and Law Enforcement. Section 914 would authorize the appropriation of $1.6 billion in 2012 for the International Narcotics Control and Law Enforcement program. CBO estimates that implementing that provision would cost $1.5 billion over the 2012–2016 period.

International Broadcasting Programs. Section 401 would authorize the appropriation of $748 million in 2012 for international broadcasting programs. CBO estimates that implementing that provision would cost $745 million over the 2012–2016 period.

National Endowment for Democracy. Section 106 would authorize the appropriation of $118 million in 2012 for the National Endowment for Democracy. CBO estimates that implementing that provision would cost $118 million over the 2012–2016 period.

Global Security Contingency Fund. Section 1012C would establish a four-year pilot program to provide security assistance to foreign countries that would be jointly operated by the Department of Defense (DoD) and the Department of State. Both departments would make contributions to the fund, up to a joint maximum of $300 million each year. Based on information from the Administration, CBO estimates that DoD and the Department of State would require annual appropriations of $200 million and $100 million, respectively, over the 2012–2015 period (amounts for the State Department's costs in 2012 are covered by specified authorizations in other sections of the bill). Assuming appropriation of the necessary amounts, CBO estimates that implementing this section would cost $984 million over the 2012–2016 period.

Registration Fees for Defense Trade Controls. Section 1013 would expand the purposes for which the State Department's Directorate of Defense Trade Controls (DDTC) can spend registration fees it collects from manufacturers and exporters of defense-related items. The DDTC collects about $40 million a year but is only al-

lowed to spend those amounts on certain licensing, compliance, and enforcement activities. Under the bill, the DDTC could spend those fees for all its activities, thereby reducing the need for future appropriations. Based on information from the department, CBO estimates that enacting this provision would reduce the need for future appropriations by $13 million a year over the 2013–2016 period (the effects of this provision on direct spending are discussed below).

Intellectual Property Attachés. Section 1106 would authorize the Department of Commerce to appoint at least 6 intellectual property attachés to serve in United States embassies or other diplomatic missions. The attachés would work with foreign governments to enforce intellectual property laws generally and to reduce counterfeiting and piracy of protected intellectual property. The Patent and Trademark Office (PTO) would be responsible for training the attachés and providing managerial and administrative support. Currently, PTO has six attachés working in China, Thailand, Brazil, India, Russia, and Egypt; based on the agency's costs of $1 million per attaché and adjusting for inflation, CBO estimates that appointing 6 additional attachés would cost $30 million over the 2012–2016 period, assuming appropriation of the necessary amounts.

Assistance for Tibet. Section 212 would require the President to provide grants to nongovernmental organizations (NGOs) to support various development projects in Tibetan communities in China. It also would authorize a Tibet Section within the U.S. embassy in Beijing, China, to follow political, economic, and social developments in Tibet and surrounding areas as well as a U.S. consulate in Lhasa, Tibet.

For 2012, the President requested $3 million from the Economic Support Fund for NGO projects in Tibet. CBO estimates that under this provision that same level of funding, adjusted for inflation, would continue through 2016, and that providing this assistance would cost $11 million over the 2013–2016 period, assuming appropriation of the necessary amounts.

Information from the State Department indicates that developments in the Tibetan region are currently monitored primarily by a consular office in Chengdu, China, though the Beijing embassy also has a political officer to cover Tibetan issues. Based on that information, CBO expects that current staff levels would be sufficient and estimates that if the department were to implement a Tibet section in Beijing, it would shift existing staff and resources. Based on information from the department, CBO expects that the department would not seek to establish a consulate in Lhasa.

Anti-Boycott Act. Section 1103 would permanently prohibit U.S. individuals and businesses from cooperating with a boycott imposed by a foreign country against a country that is friendly to the United States. Under current law, the Bureau of Industry and Security (BIS) enforces this prohibition under section 8 of the Export Administration Act. That act has expired; its provisions, however, have been extended each year under authorities granted in the National Emergencies Act (Public Law 94–412) and the International Economic Emergency Powers Act (Public Law. 95–223). Based on information from BIS, CBO estimates that implementing this provision would cost $10 million over the 2012–2016 period,

assuming appropriation of the necessary amounts. Enacting this provision also would affect direct spending and revenues; those effects are discussed below.

Peace Corps. In addition to the specified authorization of appropriations in section 911, title VII of the bill would impose several new requirements on the Peace Corps to address concerns about the safety of its volunteers and the organization's response to reports of assaults on volunteers. The Peace Corps has indicated that it already complies or is in the process of complying with most of those requirements. Based on information from the agency, CBO estimates that implementing the remaining requirements would cost about $500,000 a year and total $2 million over the 2013–2016 period, assuming the availability of appropriated funds.

Education Assistance to Africa. Section 915 would authorize USAID to provide assistance to establish partnerships between private businesses and postsecondary educational institutions in Africa. Based on information from the agency, CBO estimates that implementing this provision would cost a total of $1 million over the 2013–2016 period, assuming the availability of appropriated funds.

Embassies in Caribbean Nations. Section 1122 would authorize the State Department to establish U.S. embassies in five Caribbean nations and would withhold funding for the department's Overseas Building Operations program if those embassies have not been established by the time the number of Foreign Service officers (FSOs) serving in Iraq and Afghanistan has been reduced by 20 percent from current levels. Based on information from the department, CBO expects that establishing embassies in those nations is a low priority and the number of FSOs serving in Iraq and Afghanistan will increase in the near term as the U.S. military presence in those countries is reduced; therefore, CBO estimates no cost for this provision over the 2012–2016 period.

Other Provisions. H.R. 2583 contains several provisions for which CBO cannot estimate the likely budgetary impact.

Use of American-Made Materials. Section 1104 would require the Department of State to use only U.S.-made articles, materials, and supplies. The bill would provide some exceptions, such as if the items are not available or of poor quality, or if the Secretary determines their cost is unreasonable or their acquisition is not in the public interest. Based on information from the department, CBO expects that this provision would primarily affect the department's regular overseas operations, which are excluded from similar provisions in current law. Implementing this provision would probably increase acquisition costs, but CBO has no basis upon which to provide a specific estimate.

The department's current acquisition costs are about $6 billion a year, but it is impossible to break out how much of that total is for overseas operations; the department tracks acquisitions by whether the order was placed domestically or overseas, but domestic orders might eventually be shipped overseas for use. According to the department, implementing this provision would require retraining contracting officers in each of the department's approximately 220 locations to solicit bids from U.S.-based firms. Another factor affecting costs might be the difficulty in using warranties to replace or repair faulty items; many firms will only honor a warranty if the item is shipped back to the manufacturer.

The department would need to develop regulations to implement this provision, and those regulations also would affect the costs of implementing this provision. For example, under current regulations governing domestic procurement, the department cannot include shipping costs in determining whether the cost of an item is unreasonable. If that same standard is applied to overseas procurement decisions, the department might face a significant increase in shipping-related costs.

Limitations on Foreign Assistance. Several provisions in the bill, including those listed below, would limit foreign assistance to countries or organizations until the Administration can certify that specified conditions have been met. In most cases, the bill would allow the President to waive the certification requirements under certain conditions.

- Provisions in title X would prohibit security assistance authorized under the bill from being provided to Egypt, Lebanon, the Palestinian Authority, and Yemen.
- Sections 1025 and 1025A would strengthen existing certification requirements for economic and security assistance to Pakistan and would eliminate the Secretary of State's ability under current law to waive those certification requirements. Those provisions could affect assistance that would be provided from existing appropriations as well as future appropriations.
- Section 1102 would expand the conditions under which the Administration must withhold 20 percent of the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.
- Section 1129 would limit nonhumanitarian assistance authorized under the bill for Vietnam to amounts provided in 2011.
- Title XII would prohibit assistance to the Palestinian Authority. That provision could affect assistance that would be provided from existing appropriations as well as future appropriations.

CBO has no basis for estimating the budgetary effects of those provisions because we cannot determine whether or when the necessary certifications would be made or if the waiver authority provided by the bill would be exercised.

DIRECT SPENDING AND REVENUES

The bill contains provisions that would increase direct spending and revenues. CBO estimates that, on net, enacting the bill would increase direct spending by $175 million over the 2012–2021 period (see Table 2). The net effect on revenues would be insignificant, CBO estimates.

Registration Fees for Defense Trade Controls. As discussed above in the section on "Spending Subject to Appropriation," section 1013 would expand the purposes for which the DDTC can spend registration fees. Based on information from the department about existing balances and expected future collections, CBO estimates that enacting this provision would increase spending for those purposes by $13 million each year (reducing the need for fu-

ture appropriations by the same amount) and $130 million over the 2012–2021 period.

TABLE 2. ESTIMATED IMPACT OF H.R. 2583 ON DIRECT SPENDING [1]

By Fiscal Year, in Millions of Dollars

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
Registration Fees for Defense Trade Controls												
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	13	13	13	13	13	13	13	13	13	13	65	130
Millennium Challenge Corporation												
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0	5	5	5	5	5	5	5	5	5	20	45
Total Changes in Direct Spending												
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	13	18	18	18	18	18	18	18	18	18	85	175

[1] The bill also contains provisions that would increase revenues by raising criminal penalties, but those penalties would be deposited in the Crime Victims Fund and spent; therefore, CBO estimates that the net effects of those provisions would be insignificant.

Millennium Challenge Corporation (MCC). Section 911(c) would expand the pool of countries eligible for MCC assistance by allowing countries that make the transition from lower income categories to higher income categories to remain eligible in the lower income category for the year in which that transition occurs. CBO estimates that this provision would probably increase spending from funds previously appropriated because MCC could enter into more or larger compacts than under current law.

Since the program's inception in 2004, the Congress has appropriated about $10.3 billion for MCC, though only $4.1 billion has been spent through July 2011. MCC has used similar authority to enter into a compact worth about $600 million with Indonesia, which would otherwise have been ineligible for assistance in a lower income category. Based on information from MCC, CBO estimates that enacting this provision would have no effect in 2012 because MCC has already begun the administrative process of selecting countries for that year but would probably increase direct spending by $5 million a year beginning in 2013. Over the 2013–2021 period spending would increase by $45 million.

Consular Fees. Two sections in title II would affect the State Department's authority to collect and spend certain consular fees. Those sections would have no significant net impact on the deficit. Section 211 would extend through 2015 a surcharge on passport fees and section 214 would increase the cost of a border crossing card (BCC) for minors from Mexico. The current passport surcharge is $22 and the department expects to issue 12.7 million passports in 2012 and 14.0 million passports in 2013. Based on that information, CBO estimates the department would collect and spend an additional $279 million in 2012 and $308 million each year over the 2013–2015 period.

Under current law, the BCC fee for minors is $13 and the bill would raise it to half the fee for machine-readable visas (currently $140). Based on information from the department, CBO estimates that it would collect an additional $57 on roughly 175,000 BCCs each year, for a total of $10 million, and would spend roughly the same amount.

Criminal Penalties for Arms Trafficking. Section 1013K would increase the criminal fines for trafficking in small arms or light weapons in the Western Hemisphere from a maximum of $1 million to an amount not less than $1 million and not more than $3 million, and increase the maximum length of a prison term from 10 years to 20 years. Implementing this provision could result in the collection of additional criminal penalties. Those penalties are recorded in the budget as revenues, deposited in the Crime Victims Fund, and later spent. CBO cannot estimate the magnitude of additional revenues and spending because we cannot determine how and to what extent the Department of Justice would use those authorities. In any case, we expect that enacting those provisions would have no significant net impact on the deficit.

Anti-Boycott Act. Section 1103 would permanently authorize the BIS to collect civil and criminal penalties for violations of the boycott prohibitions. Such penalties are recorded as revenues; criminal penalties are deposited into the Crime Victims Fund and spent. CBO estimates that any additional revenues and direct spending would not be significant.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 2583 would increase direct spending by allowing additional spending of amounts already appropriated and of fees collected by the Department of State. The bill would affect revenues by increasing certain criminal fines. Because those fines can be spent without further appropriation, the net effect of such a change is insignificant. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO Estimate of Pay-As-You-Go Effects for H.R. 2583 as ordered reported by the House Committee on Foreign Affairs on July 21, 2011

By Fiscal Year, in Millions of Dollars

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2011–2016	2011–2021
NET INCREASE IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	13	18	18	18	18	18	18	18	18	18	85	175

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

By prohibiting certain types of non-humanitarian assistance, limiting entities' right of action in court, preempting state law, and extending passport surcharges the bill would impose both intergovernmental and private-sector mandates as defined in UMRA. CBO estimates that the aggregate costs of mandates on state, local, and tribal governments would fall below the annual threshold estab-

lished in UMRA for intergovernmental mandates ($71 million in 2011, adjusted annually for inflation). CBO estimates that the aggregate cost of mandates on private entities would exceed the annual threshold established in UMRA for private-sector mandates ($142 million in 2011, adjusted annually for inflation).

Mandates that Apply to Public and Private Entities

Prohibition on Non-humanitarian Assistance. The bill would prohibit public and private suppliers in the United States from exporting defense-related items, data, and services that are sent as non-humanitarian assistance to any country that withdraws from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Given the low historical rate of withdrawal from the NPT, CBO expects that this mandate would be unlikely to be imposed. If, however, a country withdraws from the NPT, some entities could lose income. CBO cannot estimate the size of such losses because the value of assistance and exports from private-sector entities varies greatly and the number of items exported as a form of assistance is unknown. CBO estimates that the cost of the mandate on state, local, and tribal governments would be small because assistance and exports from public entities—primarily colleges and universities—is far more limited.

Immunity from Civil Liability. The bill would add a new circumstance under which members of the Broadcasting Board of Governors would be exempt from civil liability. The bill would make members of the board immune from civil liability when acting in their capacities as members of the board of directors for the Middle East Broadcasting Networks, Inc. Because of the nature of the networks governed by the board, it is unlikely that state, local, or tribal governments would find cause to file suit against board members, and civil suits by private entities against board members are rare. Consequently, CBO estimates that the cost of the mandate—the value of any forgone compensation for damages—would be small for both for public and private entities relative to the annual thresholds.

Mandates that Apply to Public Entities Only

The bill would preempt a state or local government's ability to participate in, comply with, implement, or furnish information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries. In addition, the bill would preempt state laws governing liability by extending the circumstances under which members of the Broadcasting Board of Governors would be granted civil immunity. Because state and local governments would not be required to take any action resulting in additional spending or lost revenue, CBO estimates that the cost of the preemptions would be insignificant.

Mandates that Apply to Private Entities Only

The bill would extend the authority of the Secretary of State to collect a surcharge on the filing fee of each passport application through the end of fiscal year 2015. Because a passport can only be issued by the Federal Government using its sovereign power, increasing the cost of a passport application would impose a mandate on individual applicants. According to information from the Depart-

ment of State, the current passport surcharge is $22 and they expect to issue 12.7 million passports in 2012 and 14 million in 2013. Based on those data, CBO estimates that the private sector would pay additional fees amounting to $279 million in 2012 and $308 million annually over the 2013–2015 period.

PREVIOUS CBO ESTIMATES

On July 19, 2011, CBO provided a cost estimate for S. 1253, the National Defense Authorization Act for Fiscal Year 2012, as reported by the Senate Committee on Armed Services on June 22, 2011. Section 1012C of H.R. 2583 is similar to section 1207 of that bill; however, the provision in S. 1253 limited the Global Security Contingency Fund to three years and its estimated costs were correspondingly lower. CBO has also used a lower spendout rate for estimating the costs of H.R. 2583; that rate is identical to the rate used to estimate the President's 2012 request for new appropriations to the fund.

On August 2, 2011, CBO provided a cost estimate for S. 1280, the Kate Puzey Peace Corps Volunteer Protection Act of 2011, as ordered reported by the Senate Committee on Foreign Relations on July 26, 2011. Provisions in title VII of H.R. 2583 are similar to provisions in that bill; however, the Senate bill also contained a requirement for trained sexual assault liaisons at each of the agency's 76 posts and its estimated costs were correspondingly higher.

ESTIMATE PREPARED BY:

Federal Costs: Sunita D'Monte
Impact on State, Local, and Tribal Governments: J'nell L. Blanco
Impact on the Private Sector: Marin Randall

ESTIMATE APPROVED BY:

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GENERAL PERFORMANCE GOALS AND OBJECTIVES

As explained more specifically in the Section-by-Section Analysis and Discussion, the principal focus of H.R. 2583 is ensuring greater efficiency and transparency in the State Department, the Agency for International Development, the Peace Corps, the Broadcasting Board of Governors, and other agencies, programs, and operations under the jurisdiction of the Foreign Affairs Committee, rather than allowing bureaucracies and budgets to continue to grow unexamined. Seeking to maximize the return on U.S. investments, it establishes funding priorities and objectives that include, among others: Reducing the dependence of foreign governments on U.S. foreign assistance with new corruption-related conditions and measures that promote economic growth, efficiency, and accountability; helping our ally Israel maintain a qualitative military edge over its enemies, including through continued close cooperation on missile defense; preventing U.S. taxpayer funds from being used to support governments that include foreign terrorist organizations or extremist groups such as Hamas and Hezbollah by placing conditions on the provision of U.S. assistance to Egypt, Lebanon, Yemen, and the Palestinian Authority; enhancing U.S. nonproliferation pol-

icy to prevent Iran and other rogue states from developing nuclear weapons, including by strengthening the Proliferation Security Initiative; mandating reform of the State Department Inspector General to promote its institutional independence and increase its emphasis on audits of State activities to levels similar to other statutory Inspectors General; and mandating institutional reform of the Peace Corps through structural and reporting changes to better protect Peace Corps volunteers from the sexual abuse and other victimization that has been ignored or covered up by officials for decades.

NEW ADVISORY COMMITTEES

The new section 8E that would be added to the Peace Corps Act by section 702 of H.R. 2583 establishes a Sexual Assault Advisory Council within the Peace Corps.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 2583 does not apply to the Legislative Branch.

EARMARK IDENTIFICATION

H.R. 2583 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short title.

This section provides that the short title of this Act is the "Foreign Relations Authorization Act, Fiscal Year 2012."

Section 2. Table of contents.

This section provides a table of contents for this Act.

Section 3. Appropriate congressional committees defined.

This section specifies that "appropriate congressional committees" means the House Foreign Affairs Committee and the Senate Foreign Relations Committee, unless otherwise provided.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Section 101. Administration of foreign affairs.

This section authorizes certain appropriations under the heading "Administration of Foreign Affairs" for Fiscal Year 2012 ("FY12"). Except for one minor reduction (mentioned below), the authorization levels equal those resulting from Public Law 112–10, the enacted, bipartisan Continuing Resolution for Fiscal Year 2011 ("FY11 CR"). The section includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, implementation of consular programs and their border security components, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service. These expenses include: an authorization of appropriations for personnel costs; worldwide security protection; information technology systems; the construction, maintenance, and security of U.S. embassies and overseas facilities; educational and cultural exchange programs; conflict stabilization operations; representational allowances; protection of foreign missions and officials (funded at the Administration's FY12 request level, lower than the FY11 CR); emergencies in the diplomatic and consular service; repatriation loans; payment to the American Institute in Taiwan; and for the Office of the Inspector General.

This section does not extend the temporary authorities carried in prior year appropriations bills to allow the State Department to provide Washington, DC locality pay to non-senior Foreign Service Officers stationed overseas. The permanent repeal of that authority was highlighted as an illustrative savings by the President's bipartisan National Commission on Fiscal Responsibility, which estimated that such an elimination "could save $427 million in FY2013" alone. Earlier this year, the House of Representatives adopted by voice vote an amendment to prohibit this raise, during consideration of H.R. 1 (FY11 Continuing Appropriations Act).

Foreign Service Officers (FSOs) currently receive a 24% pay premium while stationed in Washington, DC. Overseas FSOs are already eligible for additional benefits that they do not receive in Washington, such as cost-of-living adjustments (known as "post allowances"), free housing, free private education for their children, and danger and hardship raises worth up to 70% of their base pay. According to a June 30, 2011 report by the Government Accountability Office (GAO), the Department "has not provided any data or analysis to demonstrate that State's recruitment has been negatively affected by a lack of [DC locality] comparability pay." In fact, according to GAO, even without the extension of *any* locality-based raise overseas, the average FSO salary already increases by approximately $2,400 per year when FSOs move from DC to an overseas post.

Section 102. Contributions to International Organizations.

The Committee-reported text of this section authorizes $1,186,361,250 in FY12 for U.S. assessed contributions to the United Nations and other international organizations of which the United States is a member (an amount approximately $395 million below the FY11 CR levels in the introduced text, due to a Committee-adopted amendment offered by Rep. Poe). It also precludes use of these funds for assessed U.S. contributions to the Organization of American States.

Section 103. Contributions for International Peacekeeping Activities.

This section re-asserts the statutory 25% cap on United States contributions for international peacekeeping activities, consistent with section 404(b)(2)(A) of P.L. 103–236. It then authorizes $1,735,382,277 in FY12 to enable the United States to pay assessed contributions for United Nations peacekeeping operations and two United Nations war crimes tribunals. A reduction of $148,548,723 from the FY11 CR level is attributable to the 25% cap.

Section 104. International Commissions.

This section authorizes funding for FY12 to enable the U.S. to meet its obligations as a participant in international commissions dealing with boundaries, water resources, and related matters with Canada and Mexico; and those dealing with international fisheries. Paragraph (1) authorizes the FY11 CR levels for "International Boundary and Water Commission, United States and Mexico" ($43.3 million for salaries and expenses; $26.5 million for construction). Paragraphs (2) through (4) authorize the Administration requested levels for FY12. (See also the section 404 reporting requirement, to improve transparency regarding the operations and usefulness of these commissions.)

Section 105. Migration and Refugee Assistance.

This section authorizes appropriations for the Department of State to make contributions to protect vulnerable refugees and displaced persons, including through contributions to international and nongovernmental organizations, as well as bilateral assistance. Subsection (a) authorizes $1.69 billion (the FY11 CR level, approximately $168 million below FY10 actual levels) for "Migration and Refugee Assistance" for authorized activities for Fiscal Year 2012, while subsection (b) states that $25,000,000 of those funds authorized in Subsection (a) are for "Refugee Resettlement in Israel."

Section 105 continues the Committee's longstanding, bipartisan support for the Migration and Refugee Assistance account, using the identical operative language carried in prior authorization bills, going back decades [see, e.g., section 104 of both H.R. 2410 and H.R. 2475 (111th Congress); section 104 of H.R. 2601 (109th Congress); section 115 of H.R. 1950 (108th Congress); section 115 of H.R. 1646 (107th Congress); section 103 of H.R. 3427 (106th Congress); and section 1231 of H.R. 1757 (105th Congress)]. It does not now create some new, additional $1.69 billion source of funding independent of the Bilateral Economic Assistance heading of which it is a typical sub-component in annual appropriations bills. This fact is apparent not only in the Chairman's description at markup that "the funding levels in this bill represent no increase from the fiscal year 2011 continuing resolution," but also from the Ranking Member's acknowledgment that the overall bill levels are "more or less the same as in the fiscal year 2011 budget deal." In order to remove any ambiguity, the Committee intends to insert at the beginning of section 105 the same technical language that was inserted at the beginning of section 705 (Peace Corps authorization)—"Of the amounts authorized to be appropriated under section 911(a)"—as the bill moves forward in the legislative process.

Section 106. National Endowment for Democracy.

This section authorizes $118 million (the FY11 CR level) for the National Endowment for Democracy in FY12.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Section 201. Transfer of inspections back to the Secretary of State.

As an outgrowth of Committee oversight and investigations into Inspector General activities, including a hearing on the State Department's Office of the Inspector General, as well as recommendations from the Government Accountability Office, this section shifts the responsibility for post inspections (a less exacting, questionnaire-driven look at post management) back to State Department management (which used to conduct those inspections), so that the State IG can focus its resources and energies on the audits and investigations that constitute the traditional, forensic work of a statutory IG. The section removes a prior, statutory requirement on the frequency of inspections, which is routinely waived in annual appropriations bills.

Section 202. International Litigation Fund.

This section corrects an oversight in the 2002 authorization to replenish the International Litigation Fund (which is used to defray the expenses of the United States in major international litigation before international tribunals, such as trade arbitrations), by allowing the Department to retain a small percentage of the awards received for international claims successfully *prosecuted* by the Department (rather than having to re-capitalize the ILF with U.S. taxpayer funds). This revision also allows the fund to be replenished from cases where the Department has successfully *defended* the U.S. and been awarded costs and attorneys' fees.

Section 203. Actuarial valuations.

This section transfers statutory responsibility for performing actuarial duties related to the State Department's retirement systems from the Treasury Department to the State Department (which provides all of the data for those actuarial valuations, and is most knowledgeable about its own systems) thus increasing the efficiency and cost-effectiveness of that function. The section also authorizes the Secretary of State, subject to amounts provided in advance in appropriations acts, to use monies in the Foreign Service Retirement and Disability Fund to cover the costs of administering those systems.

Section 204. Special agents.

This section amends the State Department Basic Authorities Act to make clear that Foreign Service special agents possess the authority to investigate identity theft and document fraud, as well as federal offenses committed at U.S. diplomatic posts and residences overseas.

Section 205. Diplomatic security program contracting.

This section grants the Department discretion to award local guard and protective service contracts in high risk areas (such as Afghanistan and Iraq) on the basis of "best value to the Government" (according to a defined, regulatory process) rather than having to go with the lowest price bid. Because lowest-price bidders

sometimes offer their employees minimal training, wages, and benefits, it has led in some previous situations to poorly trained guard forces with low morale and high turnover that have undermined the effectiveness of the guard force at certain critical, high risk posts.

Subtitle B—Consular Services and Related Matters

Section 211. Extension of authority to assess passport surcharge.

The Passport Services Enhancement Act of 2005 (P.L. 109–167) amended the Passport Act to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458) (IRTPA). This section would temporarily extend that authority through 2015.

Section 212. Tibet.

Subsection (a) amends the Tibetan Policy Act of 2002 by stipulating more comprehensive policy coordination on Tibet issues, both with other governments in multilateral efforts and within the United States Government under the supervision of the National Security Council, which is to assure intercommunication between all executive branch agencies in contact with the Government of the People's Republic of China.

As an outgrowth of the Committee's June 2nd hearing on implementation of the Tibetan Policy Act, subsection (b) calls upon the Secretary of State to establish a Tibet Section within the U.S. Embassy in Beijing and calls upon the Secretary of State to seek to establish a United States consulate in Lhasa, Tibet, stipulating that, until such a consulate is established, the Secretary shall not permit the establishment in the United States of any additional consulate of the People's Republic of China.

As a further result of that June 2nd hearing, subsection (c) amends section 620(b) of the Tibetan Policy Act to include the reincarnation system of Tibetan Buddhism as an issue of religious freedom.

Motivated by the need for greater oversight and transparency in the administration of United States-funded assistance, subsection (d) not only directs the President to continue to provide grants to nongovernmental organizations to "support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China," but also subjects such grants to review and approval by the United States Special Coordinator for Tibetan Issues, a position created under section 621 of the Tibetan Policy Act of 2002.

Section 213. Maintenance cost sharing program.

This section amends the Capital Security Cost Sharing Program (which requires non-State agencies with a personnel presence at overseas posts to contribute funds for their share of the cost of building new, secure diplomatic facilities overseas) so that State can also recoup the proportional costs for maintaining and ren-

ovating such facilities from those agencies. By requiring agencies to pay their share, it creates incentives for agencies to right-size their overseas presence.

Section 214. Border crossing card fee for minors.

This section would change the charge for a machine-readable U.S. border crossing ID card for Mexican children (under the age of 15) from the current flat fee of $13 (set in the FY 1999 State appropriations bill, back when normal machine-readable visa (MRV) fees were only $20) to a fee equal to half of the fee that would otherwise apply today (normal MRV fees are now $140, due to increased border security, fraud prevention, information systems, and consular staffing implemented over the past decade). This would allow the Department to recoup from those foreign applicants a greater proportion of the actual costs incurred in providing that service.

Section 215. Report on Office of Terrorism Finance and Economic Sanctions Policy of the Department of State.

Motivated by concerns that Iran has continued to advance its nuclear weapons program and sponsor terrorist organizations in the year since enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act (Public Law 111–195), this section requires the State Department to submit a one-time report on the resources and effectiveness of its Office of Terrorism Finance and Economic Sanctions Policy.

Subtitle C—Other Matters

Section 221. Statement of policy on existing United States understandings with Israel.

This section states that it is shall be the policy of the United States to uphold and act in accordance with all of the reassurances provided by the President in an April 14, 2004, letter to the Prime Minister of Israel.

Section 222. Recognition of Jerusalem as the capital of the State of Israel and relocation of the United States Embassy to Jerusalem.

This section states that all official documents of the United States will have Jerusalem as the Capital of Israel. It also provides for the expiration of waiver authority under the Jerusalem Embassy Act as of January 1, 2014, and requires the United States to move its embassy to Jerusalem no later than that date.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Section 301. Suspension of Foreign Service members without pay.

This section grants the Secretary the discretion to suspend without pay a Foreign Service Officer credibly accused of a crime. This would prevent the Department from being forced to pay an employee who, for example, has been indicted and is being incarcerated pending trial. At present, no administrative action can be taken before such an employee has been convicted.

Section 302. Repeal of recertification requirement for Senior Foreign Service.

This section would repeal section 305(d) of the Foreign Service Act, which had required the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) equivalent to the recertification process for the Senior Executive Service (SES). The Homeland Security Act of 2002 repealed recertification requirements for SES employees based on the assessment that those requirements did not serve a useful purpose (while imposing additional bureaucratic costs).

Section 303. Limited appointments in the Foreign Service.

This section amends section 309 of the Foreign Service Act of 1980 to provide new authority to extend "limited appointments" in the Foreign Service. Section 309 currently provides that limited (non-career) appointments may not exceed 5 years in duration and may not be extended or renewed except under limited exceptions.

Section 304. Limitation of compensatory time off for travel.

This section adds a new subsection (c) to 5 U.S.C. 5550b limiting the accrual of compensatory time off for travel status away from the employee's official duty station to a maximum of 104 hours (13 days). This 104-hour limitation is equivalent to standard yearly sick leave in the civil service.

TITLE IV—UNITED STATES INTERNATIONAL BROADCASTING

Section 401. Authorization of appropriations for international broadcasting.

This section authorizes $741.5 million for International Broadcasting Operations and $6.875 million for Broadcasting Capital Improvements for FY12, amounts equal to FY11 CR levels (which, taken together, are approximately $19 million below the President's FY12 request and $10 million below FY10 actual levels). Of those amounts: $13.76 million are authorized only for Voice of America Mandarin and Cantonese language radio and satellite television broadcasting; and $1.5 million is authorized only for Voice of America Sindhi language communication.

Section 402. Personal services contracting program.

This section extends through 2014 the authority of the Broadcasting Board of Governors (BBG) to employ up to 60 personal services contractors, a pilot authority that BBG has used to respond to needs for surge broadcasts in priority areas (such as the Urdu, Dari, and Pashto services) without having to make a longer-term investment in full-time, career employees.

Section 403. Employment for international broadcasting.

This section clarifies that BBG has the authority to hire a non-citizen when no equally or better qualified U.S. citizens are available to fill the post in question. The United States Information and Exchange Act of 1948 provides authority for the BBG to employ non-citizens to carry out its broadcast mission. Voice of America research indicates that audiences are more likely to tune in to programs where the vernacular language is spoken with native flu-

ency, and when the program content demonstrates a strong understanding of current local political and institutional developments. In many cases, well-qualified U.S. citizens fulfill these requirements. In other instances, however, the agency will employ a non-citizen who is better qualified. While the agency for more than 20 years has interpreted this section as providing flexibility to hire the best qualified applicant, some have attempted to claim that the statute requires the agency to give employment preference to U.S. citizens, even if a better qualified applicant, who is a non-citizen, is available. The section clarifies BBG employment authorities.

Section 404. Technical amendment relating to civil immunity for Broadcasting Board of Governors members.

The U.S. International Broadcasting Act establishes that all limitations on personal liability that apply to members of the Broadcasting Board of Governors also apply when they are acting in their capacities as board members of BBG's individual broadcast services. This section adds the Middle East Broadcasting Networks (established after the enactment of that statute) to that list of broadcast services.

TITLE V—REPORTING REQUIREMENTS

Section 501. Reporting reform.

Over past decades, numerous statutes have created specific State Department reporting requirements in perpetuity, by failing to include a sunset date, leading to the accretion of costly reporting requirements that, over time, have become duplicative (of other required reporting), irrelevant (due to changed circumstances), and unused by Congress. This section would repeal 15 such discrete requirements (out of 41 such repeals suggested by the State Department) that either duplicate other reports, present information that is available more readily and cheaply from other sources, or have been rendered irrelevant by changed circumstances:

(a) Section 560(g) of P.L. 103–87 (Newly Independent States territorial integrity);

(b) Section 605(c) of App. G, P.L. 106–113 (building acquisition & security upgrades);

(c) Section 104 of P.L. 102–511 (U.S. assistance to former Soviet Union);

(d) Section 704(c) of P.L. 101–179 (Support for East European Democracy);

(e) Section 1012(c) of P.L. 103–337 (interdiction of drug trafficking aircraft);

(f) Subsections (c)(4) and (c)(5) of section 601 of P.L. 96–465 (workforce planning);

(g) Section 585 in the matter under section 101(c) of Div. A of P.L. 104–208 (DPRK fuel use and deployment);

(h) Sections 694(a), 694(b), 704, and 1321 of P.L. 107–228 (Colombia activities & counternarcotics; German Foundation; Russian Federation Debt Reduction);

(i) Section 133(d) of P.L. 87–195 (good governance programs);

(j) Section 11(b) of P.L. 107–245 (Sudan war crimes);

(k) Section 514(a) of P.L. 103–236 (Partnership for Peace); and

(l) Section 807 of P.L. 98–164 (Soviet-Eastern European Studies Advisory Committee).

Section 502. Diplomatic relations with Israel.

This section contains a reporting requirement with respect to United States efforts to assist Israel in its efforts to establish and enhance its diplomatic relations with other responsible countries and in appropriate multilateral fora.

Section 503. Report on progress to ameliorate violations of religious freedom.

This section requires that every five years, beginning in 2012, the annual Country Reports on Human Rights Practices must include, wherever applicable, a description of progress to ameliorate violations of religious freedom in countries identified by the U.S. Commission on International Religious Freedom as "Countries of Particular Concern" for religious freedom violations.

TITLE VI—PROLIFERATION SECURITY INITIATIVE

Section 601. Authority to interdict certain imports to and exports from Iran.

This section authorizes the President to utilize the Proliferation Security Initiative and other measures deemed necessary to enforce U.S. laws, Executive Orders, and bilateral and multilateral agreements for the purpose of interdicting the import into or export from Iran any items, materials, goods, technology useful for any nuclear, biological, chemical, missile or conventional arms program; and to utilize ship boarding agreements with other countries to carry out these functions.

Section 602. Report.

This section amends the reporting requirements of the Iran, North Korea, and Syria Nonproliferation Act (P.L. 106–178) to include a description of the proliferation interdiction actions of other governments and by requiring such reports be submitted every 120 days.

Section 603. Definitions.

This section defines "appropriate congressional committees" and "Government of Iran."

TITLE VII—PEACE CORPS VOLUNTEER SERVICE PROTECTION

Section 701. Sexual assault complaints in the Peace Corps.

In this section, Congress notes that the Peace Corps has begun responding to concerns about its handling of sexual assault complaints by volunteers and that Congress looks forward to working cooperatively on additional, necessary steps to protect volunteers.

Section 702. Peace Corps volunteer protection.

This section adds several new sections to the Peace Corps Act: *Section 8A. Safety and Security Agreement Regarding Peace Corps Volunteers Serving in Foreign Countries.* This section requires the Director of the Peace Corps to consult with the Assistant Secretary of State for Diplomatic Security to form a memorandum

of understanding that specifies the duties and obligations with respect to the protection of Peace Corps volunteers serving in foreign countries. The Inspector General (IG) of the Peace Corps shall review the memorandum to ensure it advances the safety and security of Peace Corps Volunteers. Unless the Director certifies that the safety and security of Peace Corps volunteers is not jeopardized, if the memorandum of understanding is not entered within 9 months after the enactment of the Act, no funds may be obligated to extend Peace Corps volunteers invitations for service or to deploy Peace Corps trainees overseas.

Section 8B. Peace Corps Volunteer Protection. This section requires the Peace Corps to develop training for volunteers. This training must be developed in consultation with experts, comply with best practices in the sexual assault field, and be tailored to a volunteer's specific country. The Director also must provide applicants with a history of crimes at their assigned post and trainees the contact information of the IG and who to contact in the event of a sexual assault. Subsection (f) includes definitions of "assault," "sexual assault," and "stalking."

Section 8C. Sexual Assault Protocol and Guidelines. This section requires the Peace Corps to develop sexual assault protocol and guidelines for staff. These protocol and guidelines must be developed in consultation with experts, conform to best practices in the sexual assault field, and be applicable to all posts at which volunteers serve. The Director shall also provide volunteers with an anonymous hotline they can call and a sexual assault response team after a sexual assault. Finally, Peace Corps must review cases of responses to sexual assault and track and record all incidents of assault.

Section 8D. Victim Advocates. This section requires that victim advocates help develop and implement sexual assault risk-reduction training and assist volunteers who have been victims of assault. This section also exempts victim advocates from the 5-year rule. The Director shall assign additional certified victim advocates as needed. It expresses the sense of Congress that at least 3 additional victim advocates are needed at this time.

Section 8E. Establishment of a Sexual Assault Advisory Council. This section establishes a Sexual Assault Advisory Council made up of former volunteers (victims and non-victims) and experts in the sexual assault field to review Peace Corps sexual assault policy and implementation. The Council will meet once a year and report to Congress its findings.

Section 8F. Volunteer Feedback and Peace Corps Review. This section establishes monitoring and evaluation mechanisms for all Peace Corps programs and staff, codifies the annual volunteer survey, and tasks the IG office with reviewing Country Directors, the effectiveness and implementation of Peace Corps sexual assault policy and protocol, and Peace Corps' confidentiality provisions.

Section 8G. Nondisclosure of Confidential or Private Information. This section requires the Peace Corps to establish a process for Volunteers to confidentially report incidents of assault, misconduct or mismanagement, educate and train Volunteers and staff on this process, and ensures the safety of Volunteers by requiring the consent of the Volunteer before the release of any personally identifying information.

Section 8H. Reporting Requirements. This section requires the Peace Corps to submit annual reports to Congress on the types and frequencies of crimes against volunteers for each country where Peace Corps serves; assaults against Volunteers; the monitoring and evaluation of Peace Corps programs and Country Directors; and a report on the costs of providing all Volunteers with adequate access to communications. This section also requires GAO to submit a report on the quality and accessibility of health care by the Department of Labor for returned Volunteers. Additionally the IG must perform an audit within 2 years on the implementation of the safety and security protocols.

Section 8I. Portfolio Reviews. This section requires the Peace Corps to conduct portfolio review at least once every three years to review the allocation and delivery of resources where the Peace Corps serves. The portfolio reviews at a minimum shall include an evaluation of the country's commitment to the Peace Corps program, an analysis of the safety and security of volunteers, an evaluation of the country's need for assistance, an analysis of country program costs and effectiveness of program implementation, and an evaluation of the country's congruence with the Peace Corps mission.

Section 703. Conforming amendments.

This section contains conforming amendments to section 5(a) (22 U.S.C. 2504(a)) and section 8(a) 22 U.S.C. 2507(a)) of the Peace Corps Act for the inclusion of sexual assault risk reduction and response training. Additionally, it contains a conforming amendment to section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) regarding certain services.

Section 704. Independence of the Inspector General of the Peace Corps.

This section exempts the Inspector General of the Peace Corps and the officers and employees of the Office of Inspector General of the Peace Corps from the 5-year rule.

Section 705. Authorization of appropriations.

This section authorizes $375 million in FY12 for the Peace Corps (the FY11 CR level, which is $25 million less than FY10 actual levels, and nearly $65 million less than the President's FY12 request), of which not less than $4.6 million is authorized for the Peace Corps Office of the Inspector General.

TITLE VIII—NUCLEAR NONPROLIFERATION

Section 801. Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons.

This section 1) states that it is the policy of the United States to oppose the withdrawal of any country from the Treaty on the Non-Proliferation of Nuclear Weapons and to use all political, economic, and diplomatic means at its disposal to deter, prevent, or reverse any withdrawal; 2) prohibits assistance, other than humanitarian, to any country that has withdrawn; and 3) requires the United States to seek the return of nuclear-related material, equip-

ment, or components previously provided to a country which has withdrawn.

Section 802. Prohibition on assistance to state sponsors of proliferation of weapons of mass destruction.

This section 1) prohibits certain assistance to any country that the Secretary of State has determined has repeatedly provided support to the proliferation of weapons of mass destruction or ballistic missiles to carry such weapons; 2) requires this determination to be published in the Federal Register; and 3) conditions the rescission of any such determination on several criteria listed in the section. The President may waive this requirement on national security or humanitarian grounds by providing a report to the appropriate committees describing the reasons for the waiver, the content of the assistance, and the period of time the waiver will be effective.

Section 803. Additional protocol as a criterion for United States assistance.

This section states that 1) it is the policy of the United States to ensure that each country that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons should bring into force an Additional Protocol to its safeguards agreement with the International Atomic Energy Agency, and 2) that decisions regarding providing U.S. assistance to a country shall include consideration of whether it has an Additional Protocol in force.

TITLE IX—FOREIGN ASSISTANCE

Subtitle A—General Provisions

Section 901. Goals of United States assistance.

This section states that United States foreign assistance should aim to achieve overarching goals that help advance United States national interests, such as the reduction of global poverty, the support of human rights and democracy, and the expansion of prosperity through trade and investment.

This section further notes the importance of economic growth within foreign assistance, and acknowledges the United States Agency for International Development's Global Development Alliance program, which characterizes the rising importance of private resources, partnerships, and actors in global development.

Section 902. Guidelines for United States foreign assistance programs.

Motivated by the lack of effective monitoring and evaluation procedures in place by the numerous agencies, departments, and offices that implement United States foreign assistance, this section aims to increase accountability by requiring the President, in conjunction with other heads of agencies, to establish guidelines for measurable goals, performance metrics, and monitoring and evaluation plans that can be applied uniformly across Unites States foreign assistance programs.

Section 903. Report.

Requires USAID to report to Congress within a year on the guidelines that have been developed under section 902.

Subtitle B—Authorizations of Appropriations

Section 911. Bilateral Economic Assistance.

Subsection (a) authorizes not more than $21,207,400,000 (the amount in the introduced bill, reduced by the $1.5 million cut by an amendment precluding U.S. assistance to the Trilateral Assistance Program) to be appropriated to the President for Fiscal Year 2012 for bilateral economic assistance. This is under the final Fiscal Year 2011 Continuing Resolution level, which is approximately $3,800,000,000 less than Fiscal Year 2010 levels, and less than the Fiscal Year 2012 request of approximately $23,700,000,000.

Subsection (b) highlights the Development Credit Authority program as an effective tool in bolstering microenterprise development and expanding access to financial services to underserved populations in developing countries, and authorizes not more than $8,300,000 to be appropriated to the President for Fiscal Year 2012 for administrative expenses for the United States Agency for International Development's Development Credit Authority program.

Subsection (c) authorizes not more than $900,000,000 to be appropriated to the President for the Millennium Challenge Corporation for Fiscal Year 2012. This section also amends Section 606 of the Millennium Challenge Act to establish that any candidate country whose per capita income changes in a given fiscal year between "low income" or "lower middle income," should retain its candidacy at the former income category only for the year of such transition.

Subsection (d) authorizes not more than $115,000,000 to be appropriated to the President for the Democracy Fund for Fiscal Year 2012, for the continuation of democracy promotion worldwide.

Section 912. United States Agency for International Development.

This section authorizes not more than $1,521,900,000 for Fiscal Year 2012 for United States Agency for International Development's Operating Expenses, Capital Investment Fund, and Office of the Inspector General. This tracks the final Fiscal Year 2011 Continuing Resolution level, which is $222,100,000 less than the Fiscal Year 2012 request.

Section 913. Nonproliferation, antiterrorism, and demining.

This section authorizes $708,540,000 for nonproliferation, antiterrorism, and demining programs for Fiscal Year 2012.

Section 914. International narcotics control and law enforcement.

This section authorizes $1.597 billion for international counter-narcotics and rule of law activities, which the Committee supports largely out of concern for the narcotics scourge harming our national interests in Afghanistan, Latin America, and elsewhere.

Section 915. Partnerships between businesses and postsecondary educational institutions in Africa.

This section seeks to increase economic freedom and competitiveness, promote civil society, and improve the quality of life in Africa by authorizing the President, acting through the Administrator of USAID, to establish partnerships between businesses and postsecondary educational institutions in Africa, thus bridging a critical gap between classroom training and the real world application of business skills.

Subtitle C—Prohibitions on Assistance

PART I—GENERAL PROVISIONS

Section 921. Countries that fail to meet MCC's Corruption Performance Indicator.

This section prohibits the United States from providing any economic or development assistance to the government of a country that does not meet the corruption performance indicator of the Millennium Challenge Corporation. The President may waive the restriction on a case-by-case basis for a period of not more than 6 months if the President determines that such a waiver is important to United States national security interests and if provides to appropriate congressional committees at least 15 days prior to exercising the waiver a report on concrete steps that the recipient country has undertaken to meet corruption benchmarks and on United States implementation and enforcement of end-use monitoring mechanisms.

Section 922. Foreign organizations that promote or perform abortion.

This section states that none of the funds authorized to be appropriated by this Act or any amendment made by this Act may be made available to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.

Section 923. Development Innovation Ventures program.

In an effort to reduce duplicative programming within United States foreign assistance, this section prohibits funding for the United States Agency for International Development's Development Innovation Ventures Program.

Section 924. Countries that oppose the position of the United States in the United Nations.

This section states that none of the funds authorized to be appropriated by this Act or any amendment made by this Act may be provided as bilateral economic assistance to a foreign government that opposed the position of the United States at the United Nations. Such opposition is defined by that government's voting with the United States less than 50 percent of the time in recorded votes in the General Assembly and, if the foreign government is a member of the United Nations Security Council, in the Security Council, during the most recent session of the United Nations General As-

sembly. The President may waive this prohibition if he determines and certifies to the appropriate Congressional committees that doing so is important to the national security interests of the United States.

Section 925. Support for activities of the Global Climate Change Initiative.

This section prohibits funds authorized by this Act to be used to support activities of the Global Climate Change Initiative.

Section 926. Trilateral Assistance Program.

This section prohibits the provision of assistance authorized under Section 911(a), Bilateral Economic Assistance, to support the "Trilateral Assistance Program," a program through which the Government of South Africa provides technical assistance to third countries in Africa.

PART II—COUNTRY AND ORGANIZATION-SPECIFIC PROVISIONS

Section 931. Limitation on assistance to Argentina, Venezuela, Nicaragua, Ecuador, and Bolivia.

This section prohibits the use of funds authorized to be appropriated by this Act for assistance to the governments of Argentina, Venezuela, Nicaragua, Ecuador, or Bolivia.

Section 932. Muslim Brotherhood.

This section mandates that the Secretary of State may not use any funds made available under this Act for assistance to the Muslim Brotherhood, either directly or indirectly through its affiliates.

Section 933. Palestinian Authority.

This provision amends the Chapter 1 of part III of the Foreign Assistance Act of 1961 to prohibit assistance to the Palestinian Authority (or any follow-on government) unless the President certifies that it: (1) has not unilaterally declared independence; (2) is engaged in peace negotiations with the State of Israel; and (3) is not pursuing recognition of Palestinian statehood at the United Nations. It provides a national security interest waiver.

Section 934. Sri Lanka.

This section reflects concerns about democracy in Sri Lanka and the lack of progress made by the Government of Sri Lanka to foster reconciliation and accountability for alleged war crimes committed during the nearly 30-year war against the Liberation Tigers of Tamil Eelam (LTTE). Section 934 would prohibit assistance made available under this Act to Sri Lanka unless the Secretary State can certify that the Government of Sri Lanka is making demonstrable progress in accountability, reconciliation, withdrawal of emergency regulations, and an improved climate for freedom of the press. The prohibition would not apply to democracy and governance assistance, humanitarian assistance, and assistance for demining activities. According to the Department of State, the Government of Sri Lanka's has to date rehabilitated and released more than 8,000 of the 11,600 former LTTE combatants taken prisoner

at the end of the conflict. The Committee urges the Government of Sri Lanka to charge or release those persons still held in custody. Likewise, the Committee urges the Government of Sri Lanka to meet its international obligations by providing an independent and full accounting of the facts in order to ensure that allegations of abuse are addressed, and to prevent impunity for violations of human rights.

Section 935. Former Yugoslav Republic of Macedonia.

This section expresses the sense of Congress that the provision of United States assistance to the Former Yugoslav Republic of Macedonia upon that government's willingness to engage in meaningful discussions with the government of Greece to resolve the ongoing dispute over what shall be its official name. This section also prohibits the use of U.S. funding for any activities which support any incendiary rallies, rhetoric, or propaganda by either the FYROM government or private entities, including educational materials that promote inaccuracies regarding the history and geography of Greece and FYROM.

Section 941. Transfer of liquidated assets of certain Enterprise Funds to the United States Treasury.

This section states that the President, acting through the Administrator of the United States Agency for International Development, should transfer to the Treasury of the United States for purposes of payment on the public debt not less than 50 percent of all assets from the liquidation, dissolution, or winding up of the specified Enterprise Funds.

Section 942. Limitation on funds for USAID's Office of Budget and Resource Management.

This section states that it shall be the policy of the United States to reduce the replication of United States foreign assistance programs by seeking to consolidate budget authorities and policy planning for all United States foreign assistance within one office at the Department of State that shall complete both budgets for the Department of State and the United States Agency for International Development.

This section prohibits funds authorized under this Act to be used to support the costs of maintaining the Office of Budget and Resource Management of the United States Agency for International Development.

In addition, it requires that not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that contains a feasibility study and strategy to: (1) eliminate duplicative bureaus, offices, and positions and to consolidate such bureaus, offices and positions, as necessary and appropriate. Matters to be included are a cost estimate for the establishment of additional bureaus and offices of the Department of State and the United States Agency for International Development, as requested by the Secretary of State in the recent Quadrennial Diplomacy and Development Review, with any cost offsets created by the elimination of existing bureaus, offices and positions.

Section 943. Limitation on USAID training contracts under the Merida Initiative.

Concerned by the findings of a January 2011 USAID Office of the Inspector General audit regarding the management and implementation of Merida Initiative contract mechanisms by USAID/Mexico, this section requires that, in awarding contracts during a fiscal year to procure training services as part of the Merida Initiative, the Administrator of the United States Agency for International Development may not award more than 50 percent of the dollar amount of the contracts to a single company.

Section 944. Internet website to make publicly available comprehensive, timely, comparable, and accessible information on United States foreign assistance programs.

In an effort to create better accountability and transparency of United States foreign assistance programs and dollars, this section codifies the Administration's Dashboard Initiative, a public online resource that allows users to examine, research and track government foreign assistance investments in an accessible and easy-to-understand format. This section also requires an increased amount of timely and comprehensive information available for the public website, including country assistance strategies, annual budget documents, congressional budget justifications, and reports and evaluations for the current fiscal year and the immediately preceding five fiscal years.

Subtitle E—Reports and Other Matters

Section 951. Report on aid commitments and disbursements by other donors and international organizations.

In an effort to avoid duplication of efforts and improve the allocation and efficiency of United States assistance funds, this section amends Section 634 of the Foreign Assistance Act of 1961 to require the President to submit to the appropriate congressional committees, at the time in which the President submits the annual budget, a report providing the most up-to-date and detailed information on aid commitments and disbursements by other donors and international organizations to countries in regions for which the President is seeking United States assistance funds.

Section 952. Reports on financial disclosure of certain organizations and businesses that receive United States foreign assistance funding.

Motivated by reports of inflated salaries to executives of organizations and businesses that receive United States foreign assistance dollars, this section aims to increase transparency by requiring the Administrator of the United States Agency for International Development to require any organization or business that receives more than 50 percent of its funding from the United States Government under the Foreign Assistance Act of 1961 to provide an annual report containing the names and all forms of compensation paid by the organization or business to the five most highly-compensated employees of the organization or business.

Section 953. Statement of policy and report on sex-selection abortion.

This section states that it shall be the policy of the United States to declare sex-selection abortion a human rights violation, and requires that the annual Country Reports on Human Rights Practices include, wherever applicable, assessments of the extent and nature of sex-selection abortion in each foreign country.

Section 954. Sense of Congress regarding reducing malaria prevalence and deaths.

Acknowledging that malaria continues to be a leading cause of death and disease in many developing countries, particularly in sub-Saharan Africa, this section reaffirms the commitment and global leadership of the United States in supporting the target of ending malaria deaths by 2015.

Section 955. Sense of Congress regarding second MCC Compact with Cape Verde.

Recognizing the demonstrated commitment of the Government of Cape Verde to transform its economy and create sustainable growth, as well as its effective utilization of MCC assistance to date, this section expresses support for a second MCC Compact with that country.

Section 956. Sense of Congress regarding microfinance and microenterprise programs.

This section highlights the successful role of microfinance and microenterprise programs in expanding economic opportunities and providing financial services to vulnerable populations, particularly to women and the rural poor in impoverished countries.

Section 957. Sense of Congress regarding microenterprise development assistance to sub-Saharan Africa.

This section expresses the sense of Congress that the United States Agency for International Development should seek to increase the reach, impact, and effectiveness of microenterprise development assistance in sub-Saharan Africa; adhere to the statutory requirement to direct at least 50% of such assistance to the very poor; and improve poverty assessment tools in an effort to better assist in the management and outreach of partner organizations to the very poor.

TITLE X—SECURITY ASSISTANCE

Section 1001. Short title.

This title may be cited as the Security Assistance Act of 2012.

Subtitle A—Military Assistance and Related Matters

PART I—FUNDING AUTHORIZATIONS

Section 1011. Foreign Military Financing program.

Subsection (a) authorizes Foreign Military Financing (FMF) for fiscal year 2012 at $6,374,000,000, matching the mark in the FY 2011 continuing resolution, and also including the FY 2012 OCO request for FMF for Iraq, to include a GAO review of all FMF pro-

vided to Iraq pursuant to this authorization, and findings stating that the transfer of responsibility for security assistance to Iraq from the Defense Department to the Department of State represents an aggregate $500 million decrease (see also sec. 994B, strengthening cooperation with audits by the Special Inspector General for Iraq). Subsection 911(b)(1) states the sense of the Congress that the United States should fully implement the August 2007 security assistance agreement with Israel, including increases in FMF for Israel. Subsection 911(b)(2) amends the Security Assistance Act of 2000, as amended by the Security Assistance Act of 2002, to authorize $3,075,000,000 in FMF for Israel (in an amount matching the administration request), and to ensure that FMF funds are provided to Israel early in the fiscal year after such funds are appropriated. Subsection (d) withholds 25 percent of the funds made available to the Department of State for the Foreign Military Financing (FMF) program in Iraq for FY 2012 until the Secretary of State submits to Congress a plan to manage large-scale FMF contracts in Iraq and certifies to Congress that sufficient management and oversight practices are in place with respect to such contracts.

Section 1011A. International military education and training.

This section authorizes funding for FY 2012 for International Military Education and Training at $105,800,000, matching the level in the FY 2011 Continuing Resolution. Subsection (b) amends section 541 of the Foreign Assistance Act to authorize the use of these funds for the training of personnel of regional and sub-regional organizations for the purposes of contributing to peace-keeping operations.

PART II—MILITARY ASSISTANCE AUTHORITIES AND RELATED PROVISIONS

Section 1012. Authority to transfer excess defense articles.

This provision clarifies that the aggregate annual limitation on excess defense articles applies to articles authorized to be transferred and raises the annual limit from $425 million to $450 million. Section 516 of the FAA authorizes the president to transfer Excess Defense Articles (EDA) on a grant basis to eligible countries justified, in the annual Congressional Budget Justification. While EDA can be transferred at no-cost, the recipient must typically pay for any transportation or repair charges. Under certain circumstances, transportation charges may be waived, with the cost absorbed by DOD appropriated funds. The dollar limitation contained in section 516(g)(1) was last modified by the Security Assistance Act of 1999 (P.L. 106–113).

Section 1012A. Annual military assistance report.

This provision amends section 655 of the FAA to clarify that the annual military assistance report should include unlicensed exports of defense articles under section 38 of the Arms Export Control Act, as well as the actual total dollar value of major defense equipment and defense articles delivered pursuant to licenses authorized under Section 38 of the Arms Export Control Act. A similar provision was included in section 127 of H.R. 5916, the Security Assist-

ance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote during the 110th Congress.

Section 1012B. Annual report on foreign military training.

This provision changes the date upon which the military training report required by Section 656 of the FAA is due to the Congress from January 31 to March 1, and limits the content to training provided during the previous fiscal year. These changes should improve timeliness and accuracy of reporting.

Section 1012C. Global Security Contingency Fund.

The Committee recommends a provision that would establish a joint Department of State (DOS) and Department of Defense (DOD) fund to provide a pooled resources approach for responding to crises that require a range of military assistance and other assistance in the security sector. The provision would allow the DOS and the DOD to transfer up to $300 million into the fund to be used for enhancing the capabilities of military forces, and other security forces that conduct border and maritime security, and counterterrorism operations, as well as the government agencies responsible for such forces, in order to strengthen a foreign country's national and regional security interests consistent with United States foreign policy. Programs under the Global Security Contingency Fund would be jointly formulated by the DOS and the DOD and would support a number of existing State and DOD authorities, including Foreign Military Financing, International Military Education Training, DOS law enforcement training authorities, and DOD's Global Train and Equip program ("Section 1206"). The fund would be initially established as a 3-year pilot program. Funding for this program would come from existing appropriations for the specified security assistance accounts managed by the DOS and DOD, respectively. Funding for this new authorization would therefore not require additional appropriations above and beyond what has been requested and appropriated for these accounts in recent fiscal years. An identical provision was carried in the House-passed National Defense Authorization Act for FY 2012.

Section 1012D. International military education and training.

Subsection (a)(1) incorporates language previously carried under H.R. 1473 which prohibits IMET for Chad until the Secretary of State certifies that credible progress has been made to end the recruitment of child soldiers. Paragraph (2) prohibits assistance for Equatorial Guinea and Somalia. Paragraph (3) incorporates limitations carried under annual appropriations bills for Angola, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Guinea and Zimbabwe. Paragraph (4) incorporates notification requirements carried in annual appropriations bills for the assistance to Angola, Bangladesh, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, and Sri Lanka. Paragraph (5) limits funds that may be made available for entertainment purposes. Subsection (b) incorporates quarterly reporting requirements carried under annual appropriations bills.

PART III—ARMS EXPORT CONTROL ACT AMENDMENTS AND RELATED PROVISIONS

Section 1013. Increased flexibility for use of defense trade control registration fees.

This section provides the Director of Defense Trade Controls at the Department of State with the ability to use the fees that it collects from arms manufacturers and exporters for all the expenses associated with the agency. This provision amends section 45 of the State Department Basic Authorities Act to authorize the Department to use these retained fees to conduct the full range of defense trade control functions and activities. A similar provision was included in section 107 of H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote during the 110th Congress.

Section 1013A. Increase in congressional notification thresholds.

This section increases monetary thresholds for 15 and 30 day Congressional review periods attendant to considering resolutions of disapproval of Foreign Military Sales (FMS) and commercial arms sales under the Arms Export Control Act. For NATO and close partner countries, the limits are raised from $25 to $75 million for Significant Military Equipment (SME), and from $100 million to $200 million for total contract value. For all other countries, from $14 to $50 million for SME, $50 to $100 million for total contract value. However, it retains existing statutory threshold levels for notification of the export to Congress. A similar provision was included in section 124 of H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote during the 110th Congress.

Section 1013B. Return of defense articles.

This provision amends section 21(m) of the AECA to permit, with prior State Department approval, the retransfer to the U.S. Government of defense articles to include SME. This provision will increase the flexibility of the Department of Defense to acquire urgently needed defense equipment not currently in DoD stocks.

Section 1013C. Annual estimate and justification for sales program.

This section amends section 25(a) of the AECA (the "Javits report") to require that the annual justification for proposed arms sales includes a discussion of the extent to which such transfers advance U.S. strategies for regional security cooperation.

Section 1013D. Updating and conforming penalties for violations of sections 38 and 39 of the Arms Export Control Act.

This section broadens the list of statutes for which indictments and convictions form the basis for ineligibility under the AECA, as well as conforms criminal penalties under the Act to the standard established under The International Emergency Economic Powers Act (IEEPA). It amends section 38(c) of the AECA by including among the definition of unlawful acts any violation of the U.S.-UK and U.S.-Australian defense trade treaties, any rule or regulation issued to enforce those treaties, and their implementing arrangements. In addition, section 38(g)(4) of the AECA (and section

127.11 of the International Traffic in Arms Regulations (ITAR)) prohibit the issuance of export licenses or other approvals to a person, or any party to the export, who has been convicted of violating the AECA and certain other U.S. criminal statutes enumerated at section 38(g)(1)(A) of the AECA and section 120.27 of the ITAR. A person convicted of violating the AECA is also subject to statutory debarment under section 127.7 of the ITAR. This provision adds to that list of enumerated statutes the following: section 545 of title 18, U.S.C., relating to smuggling goods into the United States; section 78dd3 of title 15, U.S.C., relating to prohibited foreign trade practices other than issuers or domestic concerns; section 2339B of title 18, U.S.C, relating to providing material support or resources to foreign terrorist organizations; and section 2339C and D of title 18, U.S.C., relating to financing terrorism and receiving terrorism training.

Section 1013E. Clarification of prohibitions relating to state sponsors of terrorism and their nationals.

This provision amends Section 40 of the AECA to clarify that the prohibition on transactions with state sponsors of terrorism extends to nationals of those countries which have had substantive contacts with any country that is a state sponsor of terrorism sufficient to give rise to a reasonable risk of diversion. It also adds a conforming definition of the term "national."

Section 1013F. Exemption for transactions with countries supporting acts of international terrorism.

This section allows law enforcement agencies to engage in transactions for the purpose of prosecuting persons suspected of supporting countries that are state sponsors of terrorism. Section 40 of the AECA prohibits the U.S. Government from providing any license or other approval under Section 38 for any export or other transfer of a defense article or defense service to a state sponsor of terrorism. That section also prohibits any person from exporting any defense article or defense service to such a country. Section 40(h) exempts from these prohibitions transactions subject to reporting under title V of the National Security Act of 1947. In efforts to prosecute individuals providing defense articles and defense services to state sponsors of terrorism, many law enforcement agencies have had to drop or curtail criminal investigations of export violations because they did not fall within this exemption. This amendment to section 40 would remedy that problem.

Section 1013G. Report on Foreign Military Financing program.

This section requires that the President provide an annual report on the Foreign Military Financing Program. It amends section 23 of the AECA to require that the President transmit as part of the supporting materials of the annual congressional budget justification a report reviewing the extent to which FMF requests are based on well-formulated and realistic capability requirements of foreign recipients; the extent to which the use of such authority is consistent with U.S. conventional arms transfer policy; and the extent to which the Department of State has developed and implemented specific plans to monitor and evaluate outcomes under the authority of this section, including at least one country or inter-

national organization assessment each fiscal year. The Congressional recipients of the report would be the Foreign Affairs and Appropriations Committees of the House and the Foreign Relations and Appropriations Committees of the Senate.

Section 1013H. Congressional notification of regulations and amendments to regulations under section 38 of the Arms Export Control Act.

This section adds a new requirement to the AECA that the President submit to the Committees on Foreign Affairs and Foreign Relations a copy of regulations or amendments to regulations issued to implement section 38 of the Act not less than 30 days before publication in the Federal Register unless, after consulting with the Committees, the President determines that there is an emergency that requires a shorter period of time.

Section 1013I. Diplomatic efforts to strengthen national and international arms export controls.

This section states the Sense of Congress that the President should increase efforts to strengthen multilateral export control regimes, with a 5-year annual report on U.S. efforts to do so. A similar provision was included in section 125 of H.R. 5916 in the 110th Congress, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote.

Section 1013J. Review and report of investigations of violations of section 3 of the Arms Export Control Act.

This section requires the Department of State Inspector General to annually review for each of the fiscal years 2012–2016 the process of reviewing and reporting to Congress any misuse of U.S.-provided defense items, and to report the findings to the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate. The Committee is concerned that in recent years the Department has not followed a consistent practice in conducting the violations review process, as required by Section 3(c) of the Arms Export Control Act.

Section 1013K. Increase in penalties for illicit trafficking in small arms and light weapons to countries in the Western Hemisphere.

The illicit transfer of small arms to Mexico and the Western Hemisphere is an export violation of the Arms Export Control Act, as certain firearms, close assault weapons, combat shotguns, and related guns and armament are controlled items under the U.S. Munitions List. The existing penalty for such violations is a fine of no more than $1,000,000 per violation, no more than 10 years in prison, or both. The provision increases that fine to between $1,000,000 and $3,000,000 and also requires prison time of no more than 20 years, or both. This provision was included in section 912 of H.R. 2410, the Foreign Relations Authorization Act for FY 2010–2011.

Section 1013L. Department of State Rewards Program.

This section expands the existing Department of State rewards program (currently targeted against persons who have or are plan-

ning to commit terrorist acts against the United States, or commit illicit drug-related offenses that violate U.S. narcotics laws) to authorize the Secretary of State to pay rewards to individuals who provide information leading to an arrest or conviction for exporting to Mexico small arms or light weapons.

Subtitle B—Security Assistance and Related Matters

PART I—ISRAEL

Section 1021. Report on United States commitments to the security of Israel.

This section requires the President to provide copies of all U.S. assurances made to Israel regarding its security since 1975 and on an ongoing basis, including revisions of past assurances, to the Committees on Foreign Affairs and Foreign Relations, to enable Congressional oversight over the U.S.-Israel security relationship. The United States has made numerous assurances to Israel over the years regarding its security, especially regarding conditions under which the U.S. would sell arms to Israel's neighbors. There have been subsequent revisions and revocations of these assurances. The Congress does not have access to these assurances and revisions, and is therefore limited in its ability to conduct real oversight over this critical U.S. security relationship, and in its ability to judge for itself the extent to which such assurances are being fulfilled.

Section 1021A. Clarification of certification requirements relating to Israel's qualitative military edge.

This section amends section 36(h) of the AECA to require that the certification requirement relating to Israel's military edge be provided to Congress on an unclassified basis.

Section 1021B. Support to Israel for missile defense.

This section authorizes funding for missile defense to Israel through the amounts authorized for Israel through the FMF account. It also requires a report on activities pursuant to this authorization be provided as part of the annual Congressional Budget Justification to the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committee on Foreign Relations and Armed Services of the Senate.

PART II—EGYPT

Section 1022. Limitation on security assistance to the Government of Egypt.

This section requires, before Egypt can receive security assistance [under this Act], a certification by the President that: (1) the Government of Egypt is not directly or indirectly controlled by a foreign terrorist organization, its affiliates or supporters; (2) the Government of Egypt is fully implementing the Israel-Egypt Peace Treaty; and (3) the Government of Egypt is destroying the smuggling network and tunnels between Egypt and the Gaza strip. The President may waive the limitation if he determines and certifies to the appropriate congressional committees that: it is in the vital national security interests of the United States; that the U.S. is

fully implementing and enforcing end-use monitoring mechanisms provided through the FMF process; and that the U.S. has established and implemented comprehensive procedures to vet all recipients of U.S. security assistance to ensure that no recipients are members of, or affiliated with, a foreign terrorist organization or any affiliates or supporters thereof.

Section 1022A. Report on security assistance to the Government of Egypt.

This section requires that not later than 180 days after the date of enactment of this Act that the Secretary of State, in coordination with the Secretary of Defense provide to the appropriate congressional committees a comprehensive report on U.S. security assistance to Egypt, and requires a GAO follow-on report.

Section 1022B. Government of Egypt defined.

This section defines the Government of Egypt as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Egypt.

PART III—LEBANON

Section 1023. Statement of policy.

This section contains a statement of policy with respect to the goals of U.S. policy toward Lebanon.

Section 1023A. Limitation on security assistance to the Government of Lebanon.

This section requires that, before Lebanon can continue to receive security assistance under this Act, the President must certify to the appropriate congressional committees (1) that no member of Hezbollah or any other a foreign terrorist organization serves in a policy position in the Government of Lebanon; (2) that the Government of Lebanon is comprehensively vetting security forces who benefit from U.S. security assistance; (3) that Government of Lebanon ministries that benefit from U.S. security assistance are financially transparent and accountable; (4) that the Government of Lebanon is dismantling foreign terrorist infrastructure, complying with specified international obligations, and fully cooperating with the Special Tribunal for Lebanon; (5) that U.S. security assistance to Lebanon is not used against, and will not impair the qualitative military edge of, Israel; and (6) that the Government of Lebanon has taken effective steps and made progress toward assuming full control of its territory. It further requires recertifications not later than 90 days after an initial certification and every six months thereafter or a report containing reasons why the recertification could not be made. In addition, waiver authority is provided if the President determines and certifies to the appropriate congressional committees 15 days prior to the exercise of the waiver authority that: (1) it is in the vital national security interests of the United States; (2) the U.S. is fully implementing and enforcing end-use monitoring mechanism on US-origin equipment provided to Lebanon [through the FMF program]; and the U.S. has established and implemented comprehensive procedures to vet all recipients of US security assistance, to ensure that no recipients are members of, or

affiliated with, a foreign terrorist organization. An amendment offered by the Ranking Member to exempt IMET from this provision was defeated in a Committee vote.

Section 1023B. Report on security assistance to the Government of Lebanon.

This section requires that not later than 180 days after the date of enactment of this Act in connection with the annual congressional budget justification, that the Secretary of State provide a comprehensive report to the appropriate congressional committees on U.S. security assistance to Lebanon.

Section 1023C. Government of Lebanon defined.

This section defines the Government of Lebanon as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Lebanon.

PART IV—PALESTINIAN AUTHORITY

Section 1024. Limitation on security assistance to the Palestinian Authority.

This section requires, before the Palestinian Authority (PA) can continue to receive security assistance authorized under this Act, the President must provide a certification to the appropriate congressional committees that no member of Hamas or any other foreign terrorist organization serves in a policy position in a ministry, agency, or instrumentality of the PA; that the PA is taking all necessary steps and actions to implement the 2005 security reorganization program, and implement an inclusive, standards-based approach to recruitment; all PA ministries and operations that receive U.S. security assistance are financially transparent and accountable; the PA is dismantling all foreign terrorist organizations infrastructure, confiscating unauthorized weapons, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services; the PA is fully reforming the Ministry of Interior and judicial sector; has halted anti-Israel incitement; has implementing comprehensive anti-terrorism and tracking procedures in conjunction with receiving U.S. security assistance; and that the PA has and continues to publicly acknowledge Israel's right to exist as a Jewish state. A recertification is required 90 days after the date of enactment of this Act and every six months thereafter or a report to the appropriate congressional committees if the recertification is not made. The President may exercise waiver authority if the President determines and certifies to the appropriate congressional committees 15 days prior that: (1) it is in the vital national interests of the U.S.; the U.S. is fully implementing and enforcing end-use monitoring mechanisms for equipment provided through the FMF program, and that such equipment is accounted for; and the U.S. has established and implemented comprehensive vetting procedures to ensure that recipients of U.S. security assistance are not members of, or affiliated with, a foreign terrorist organization.

Section 1024A. Report on security assistance to the Palestinian Authority.

This section requires that the Secretary of State to submit to the appropriate congressional committees a comprehensive report on U.S. security assistance to the Palestinian Authority within 180 days of enactment of this Act.

Section 1024B. Palestinian Authority defined.

This section defines the Palestinian Authority as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Palestinian Authority.

PART V—PAKISTAN

Section 1025. Authorization of appropriations.

This provision amends section 102 of the Enhanced Partnership with Pakistan Act of 2009 to provide that no funds for civilian assistance authorized pursuant to that Act may be obligated in fiscal years 2012–2014 unless the Congress receives a certification from the Secretary of State that Pakistan is making "measurable" progress toward meeting the principal objectives of United States assistance to Pakistan as described by the report required in section 301. In addition, no funds for civilian assistance to Pakistan may be made available until the Secretary of State makes the certification required by section 203, as amended by this title, of the Enhanced Partnership with Pakistan Act. The amendment also strikes the waiver authority provided in section 102(c) and the sense of congress provision in 102(d).

Section 1025A. Limitations on certain assistance.

This section strengthens the limitation on security assistance contained in section 203 of the Enhanced Partnership with Pakistan Act. It stipulates that the certification required under that section now be made by the Secretary of State in consultation with the Secretary of Defense and Director National Intelligence. The certification contained in section 203(c) now requires requiring that the Secretary of State certify that Pakistan has made "demonstrable progress" in combating terrorist groups before providing certain security-related assistance to Pakistan. It adds new requirements to the certification relating to the extent to which Pakistan is fully assisting the United States in investigating the presence of Osama bin Laden in Pakistan, visa issuance for U.S. personnel, with respect to cooperation in the flow of improvised explosive device materials to Afghanistan, and the use of defense articles and services transferred by the United States pursuant to the Foreign Military Sales program. It also adds new language to existing requirements under the certification to include reference to the Haqqani Network and full implementation of counterterrorism and anti-money laundering laws. In addition, it strikes the waiver authority in section 203(e). It also amends the definition of appropriate congressional committees for purposes of receipt of the certification required by section 203.

Section 1025B. Strategy reports.

This provision amends section 301 of the Enhanced Partnership with Pakistan Act to require that the report be provided in each of the fiscal years 2012–2014, clarifies certain reporting requirements, and adds new reporting requirements relating to transparency and accountability of U.S. assistance to that country, as well as Department of State planning for incorporating support for private sector development and enhanced trade opportunities as part of the foreign assistance approach to Pakistan.

PART VI—YEMEN

Section 1026. Limitation on security assistance to the Government of Yemen.

This section requires, before Yemen can continue to receive security assistance under this Act, the President must certify to the appropriate congressional committees that, among other requirements, no ministry, agency, or instrumentality of the Government of Yemen is controlled by a foreign terrorist organization or is directly or indirectly affiliated with a foreign terrorist organization; and that no member of a foreign terrorist organization serves in any policy position in a ministry, agency, or instrumentality of the Government of Yemen. A recertification is required 90 days after the date of enactment of this Act and every six months thereafter or a report to the appropriate congressional committees if the recertification is not made. In addition, the President may waive this requirement upon determining and certifying to the appropriate congressional committees 15 days prior that: (1) it is in the vital national interests of the U.S.; the U.S. is fully implementing and enforcing end-use monitoring mechanisms for equipment provided through the FMF program and that such equipment is accounted for; and the U.S. has established and implemented comprehensive vetting procedures to ensure that recipients of U.S. security assistance are not members of, or affiliated with, a foreign terrorist organization or any affiliates or supporters thereof.

Section 1026A. Report on security assistance to the Government of Yemen.

This section requires that 180 days after the date of enactment of this Act that the Secretary of State, in coordination with the Secretary of Defense, submit a comprehensive report on U.S. security assistance to the Government of Yemen, and requires a GAO follow-on report.

Section 1026B. Government of Yemen defined.

This section defines the Government of Yemen as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Yemen.

PART VII—MISCELLANEOUS PROVISIONS

Section 1027. Definitions.

Section 994(1) defines appropriate congressional committees to include the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee

on Foreign Relations and the Committee on Appropriations of the Senate. Section 994(2) defines the term "foreign terrorist organization" to be consistent with section 219(a) of the Immigration and Nationality Act. Section 994(3) defines the term "qualitative military edge" to have the same meaning as in section 36(h(2) of the AECA. Section 994(4) defines U.S. security assistance to mean assistance authorized under Part II of the FAA, or any other Act under which the U.S. provides defense articles, military training, or other defense related services. Section 994(5) defines the term security cooperation program to include interactions with foreign defense and internal security establishments.

Section 1027A. Report on police training.

This section directs that not later than 180 after the date of enactment of this Act the President shall, in coordination with the heads of other relevant Federal departments and agencies, conduct a study and report to the appropriate congressional committees regarding overseas civilian police training conducted by the United States in countries or regions that are at risk of, in, or are in transition from conflict or civil strife.

Section 1027B. Audits of United States assistance to Iraq.

This section requires the Secretary of State to cooperate with audits conducted by the Office of the Special Inspector General for Iraq Reconstruction (SIGIR).

Subtitle C—Peacekeeping Operations

Section 1031. Peacekeeping operations.

This section grants certain authorities, sets limitations, and authorizes appropriations for the provision of assistance "for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States" consistent with Section 551 of the Foreign Assistance Act of 1961. Subsection (a) enables the United States to enhance the capacity of civilian security forces to participate in peacekeeping operations, notwithstanding Section 660 of the Foreign Assistance Act, which established a broad prohibition on police training. Paragraph (2) provides notwithstanding authority, upon consultation with Congress, to support disarmament, demobilization, and reintegration programs for former members of foreign terrorist organizations.

Subsection (b) amends the Child Soldier Prevention Act to prohibit Peacekeeping Operations assistance to countries that recruit and use child soldiers, in addition to International Military Education and Training, Foreign Military Financing, and Excess Defense Articles.

Subsection (c) incorporates reporting requirements carried in annual appropriations bills.

Subsection (d) authorizes $304,390,000 million in appropriations for Peacekeeping Operations assistance in FY12, which is equal to the FY11 enacted level. This section also authorizes payment of assessed contributions for peacekeeping operations in Somalia and U.S. contributions to the Multinational Force Observers mission in the Sinai.

Subtitle D—Reports

Section 1041. Report on transparency in NATO arms sales.

This section requires the Secretary of State, in coordination with the Secretary of Defense, to provide an annual report on sales and financing of defense articles and defense services in excess of $50,000,000 by North Atlantic Treaty Organization (NATO) member countries (other than the United States) to non-NATO member countries.

Section 1041A. Report on Task Force for Business and Stability Operations in Afghanistan.

This section requires a report detailed plan to provide for the transition of the activities of the Task Force for Business and Stability Operations in Afghanistan from the Department of Defense to the Department of State and the United States Agency for International Development.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

Section 1101. Elimination of East-West Center.

This section would prohibit the Secretary of State from using funds authorized to be appropriated to support the East-West Center, and repeal the Center for Cultural and Technical Interchange Between East and West Act of 1960 (P.L. 86–472). After years of generous federal support, the Committee believes that the Hawaii-based East-West Center should rely on the numerous other sources of revenue the Center enjoys to produce its seminars, reports and exchanges.

According to budget documents, the East-West Center was established by Congress in 1960 because, "Asians knew little about America and vice versa." It was given the mission to promote "understanding." Fifty years later, thanks to the Internet, trans-Pacific travel, trade ties, as well as vibrant Asian American communities, U.S. ties to Asia have significantly deepened, eroding the East-West Center's raison d'etre. Further, since the Center's inception, numerous privately funded think tanks and institutions have developed and today do similar work.

Despite this trend, the federal contribution to the East-West Center has substantially grown. Due to strong advocates in the Senate, Congress has dramatically surpassed Administration requests for funding of the Center. For example, in FY10, the Administration requested $11.7 million for the Center. Yet, the State Department administered an appropriation of $23 million. Other U.S. agencies also contributed to the Center's budget. Another $10 million was provided through funding from private foundations, foreign governments and institutions, regional organizations and the private sector. This funding pattern for FY10 is typical of recent funding for the Center.

At a time when federal resources are increasingly strained, the Committee believes that the State Department must limit its funding to only the most vital programs. The Committee judges that the East-West Center does not meet that standard, and should rely on non-federal funding.

The Committee considered an amendment to strike this section of the bill, which failed by a roll call vote of 17 ayes and 26 noes.

Section 1102. Inspector General of the Global Fund.

This section adds benchmarks regarding the independence of the Office of the Inspector General of the Global Fund to Fight AIDS, Malaria and Tuberculosis to the State Department certification required by Public Law 108–25. That Public Law requires the withholding of 20 percent of appropriated funds for the United States contribution to the Global Fund until the Secretary of State certifies that the Global Fund is implementing specific reforms to enhance efficiency, transparency and accountability.

Section 1103. Antiboycott provisions.

This section contains sense of Congress language related to continuing U.S. efforts to oppose the Arab League Boycott of Israel. This provision contains the Antiboycott Act, which directs the President to issue regulations prohibiting, with specified exceptions, any U.S. person from taking specified actions to support (or actions to evade such regulations) any foreign-imposed or fostered boycott against a country that is friendly to the United States and is not itself the object of any form of U.S. boycott; sets forth civil penalties for violations of such regulations. This provision was amended in Committee by an amendment offered by the Ranking Member.

Section 1104. American materials required for public use of certain funds.

This section would extend certain "Buy America" provisions to the Department of State by requiring the Department to purchase goods produced or manufactured in the United States (subject to certain exceptions based on urgency, availability, quality, and contract amount), unless the Secretary determines such purchase to be inconsistent with the public interest or unreasonably costly.

Section 1105. Prohibition on disclosure of political contributions in submitting offers for Department of State contracts.

This section precludes the Secretary of State from requiring potential vendors or contractors to disclose certain information relating to political contributions by that entity, its officers or directors, or any of its affiliates or subsidiaries.

Section 1106. Protection of intellectual property rights.

This section requires the Secretary of State to make the protection of intellectual property a significant component of U.S. foreign policy and to ensure that adequate resources are available to support enforcement action and relevant reforms at U.S. missions in specified countries. The Secretary of State is required to appoint at least one intellectual property attaché in each geographic region listed in the section, with priority given to countries where an attaché will have the greatest potential benefit. The Secretary of State shall consider certain criteria specified in the section in making appointments and also ensure that each attaché is fully trained before assuming duties. This section specifies that the attachés' ac-

tivities shall be carried out in coordination with the Intellectual Property Enforcement Coordinator.

This section also requires the Secretary of State to provide an annual report to Congress on the attachés that must include information specified in the section. The section also defines several terms and authorizes amounts necessary for the training and support of attachés.

Section 1107. Inter-country adoption strategy.

This section states that the Secretary should develop and define a strategy for inter-country adoptions, and expresses the sense of Congress supporting efforts to help other countries come into compliance with the Hague Convention on Intercountry Adoption.

Section 1108. Clarification of sensitive technologies for purposes of procurement ban.

Section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA) provides for sanctions against firms that provide Iran with sensitive technologies that allow the Government of Iran to monitor, disrupt, or filter the free flow of information to and from the people of Iran. On September 23, 2010, the President delegated authorities provided under section 106 of that Act to the Secretary of State. On June 30, 2011, the Government Accountability Office issued a report, pursuant to section 106 of that Act and other legislation, entitled "Iran Communications Blocking" (GAO–11–706R). That report notes that the Department of State has not identified any firms that have provided Iran with such sensitive technology, and that the Department of State has no intention "to further refine the definition of sensitive technologies beyond hardware, software, telecommunications equipment, or any other technology the President determines is to be used to monitor, filter, or disrupt information and communication flows in Iran." The report further notes that many communications technologies may be used for legitimate purposes as well as disruption and surveillance, making a determination of the buyer's or seller's intent difficult to discern. This provision mandates that not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidelines to further describe the goods, services, and technologies that will be considered "sensitive technologies" for purposes of section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), and publish those guidelines in the Federal Register; determine the types of goods, services, and technologies that enable any indigenous capabilities that Iran has to disrupt and monitor information and communications in that country, and consider adding descriptions of those items to the guidelines; and periodically review the guidelines and, if necessary, amend the guidelines on the basis of technological developments and new information regarding transfers of goods, services, and technologies to Iran and the development of Iran's indigenous capabilities to disrupt and monitor information and communications in Iran.

Section 1109. Curtailing the frequency of international maritime piracy.

This section directs the President to publish the names of maritime operators who are continually disregarding industry-developed "best management practices," shining a spotlight on them.

Maritime piracy off the coast of Somalia is rapidly expanding, and there are concerns it could financially support terrorist groups. The shipping industry has developed internationally recognized "best management practices" to decrease the risk of being pirated. However, approximately 20 percent of ships do not employ these "best management practices." It is these 20 percent that make up the vast majority of ships that are pirated.

At a June 15, 2011 hearing before the Subcommittee on Terrorism, Nonproliferation, and Trade, the Assistant Secretary of State for Political-Military Affairs testified that the United States needs to pressure those that are not following "best management practices" to do so.

The Committee judges that the public listing of these maritime operators is one such way to do so. The listing requirement shall terminate once the President certifies that the insufficient use of internationally recognized "best management practices" is no longer a contributing factor in the rise of maritime piracy off the coast of Somalia.

Section 1110. United Nations High Commissioner for Refugees and Religious Freedom.

This section expresses the sense of Congress that within the next year, the UN High Commissioner for Refugees (UNHCR) should review its processing of Religion-Based Refugee Claims under article 1A(2) of the 1951 Refugee Convention, and thoroughly train UNHCR staff for assessing Religion-Based Refugee Claims. It also requires a one-time State Department report to Congress on whether UNHCR has accomplished these measures, and on any steps by UNCHR to strengthen implementation of the UNHCR Guidelines for International Protection for Religion-Based Refugee Claims.

Section 1111. Exchange program for women legislators and civil society leaders.

This section states that the Secretary should encourage exchanges for women legislators and civil society leaders to promote the advancement of women in parliaments and civil society, reduce discriminatory barriers, and promote human and civil rights, with a focus on the countries of Afghanistan, the Democratic Republic of the Congo, Iraq, Liberia, and South Sudan.

Section 1112. National interest waiver under the Child Soldiers Prevention Act of 2008.

In an effort to strengthen enforcement of the Child Soldiers Prevention Act of 2008, this section requires the President to provide a justification to Congress at least 15 days in advance of exercising a national interest waiver pursuant to Section 404(c) of such Act, including a certification that the government of the country for which the waiver will be exercised has taken credible and verifiable steps to implement a plan of action to end the recruitment and use of child soldiers, including the demobilization of child soldiers.

Subtitle B—Country-specific Provisions

Section 1121. Azores Cooperative Initiative Program.

This section authorizes the Secretary of State to support the already existing Azores Cooperative Initiative Program (including up to $200,000 from existing FY12 funds), which seeks solutions pursuant to a 1995 agreement between the United States and Portugal in areas of science, technology, education, environment, and agriculture.

Section 1122. United States embassies in Caribbean countries.

This section expresses the sense of Congress that the Department of State should establish embassies in Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines, where the United States does not now have embassies. The Committee expects this to be a cost neutral measure contingent on the reassignment of diplomatic billets once the total number of Foreign Service officers in the United States embassies in Iraq and Afghanistan has been reduced by 20 percent as compared to the total number of such officers as of the date of the enactment of this Act.

Section 1123. Limitation on funds for U.S.-China Center of Excellence on Nuclear Security.

This section prohibits funds for the U.S.-China Center of Excellence on Nuclear Security, unless the President determines that the provision of such funds is in the national security interest of the United States because it would contribute to efforts to prevent terrorists from obtaining radioactive materials that could be used in an explosive device.

Section 1124. Visas for certain citizens of the People's Republic of China.

Motivated by concerns that there is lack of reciprocity in the issuance of visas for U.S. Government-sponsored media workers to China vis-à-vis the number of visas issued to Chinese Government-sponsored media workers entering the United States, this section calls upon the Secretary of State to enter into an agreement with the People's Republic of China to seek reciprocity for such visa issuances.

Section 1125. Report on the influence of the People's Republic of China in Southwest Asia.

This section requires a report 180 days after enactment of this Act and annually two years thereafter on China's strategic interests in Pakistan and Afghanistan. The provision states that the required report may be submitted in classified form and unclassified form, but the unclassified portion of the report must be published on the website of the Department of State.

Section 1126. Enforcement of United States regulations on travel to Cuba.

This section requires the President to fully enforce all United States regulations, as in effect on January 19, 2009, regarding travel to Cuba. It also calls on the President to impose the cor-

responding penalties against individuals determined to be in violation of such regulations.

Section 1127. Measures supporting the reunification of Cyprus.

This section establishes that it shall be the policy of the United States to support measures aimed at the reunification of Cyprus. It also calls upon the President to consult with the Government of the Republic of Cyprus on the provision of U.S. assistance to Cyprus. Finally, this section modifies statutory reporting and requires the State Department to provide Congress with a detailed description of all assistance programs and activities that are funded by the U.S. to help the reunification efforts, and to provide assistance to Cyprus only for programs and activities that are consistent with the goal of reunification of Cyprus and the achievement of a bi-communal, bi-zonal federation.

Section 1128. Pending claims against the Kingdom of Saudi Arabia.

By including this section in the bill the Committee seeks to have the Department of State actively and aggressively engage the Kingdom of Saudi Arabia to have any unpaid and outstanding claims of the Special Claims Process resolved, settled, and paid in full. In subsection (a), the Committee finds that: Since 1992 the Committee has conducted hearings regarding U.S. companies providing goods and services to the Kingdom; those companies then experienced certain commercial abuses by the Kingdom; the Committee of Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate initiated the Special Claims Process to resolve certain claims arising out of those commercial abuses, which were included in subsequent legislation; and not all claims listed in the Special Claims Process have been resolved and settled. The Committee also found that failure to resolve all such claims has set a poor precedent for dispute resolution and trade relations between the United States and the Kingdom of Saudi Arabia. Subsection (b) expresses the sense of Congress that the Secretary of State should immediately engage with the Kingdom of Saudi Arabia to resolve any outstanding claims through the Special Claims Process, and that failure to resolve claims should be taken into account when the U.S. is reviewing its relations with the Kingdom, including current and future trade agreements and related activities. The Secretary of State is also required under Subsection (c) to submit a report not later than thirty days after enactment of this Authorization bill detailing the progress achieved in resolving the claims which remain outstanding, and then another report on the same is to be submitted 120 days thereafter.

Section 1129. Promotion of human rights in Vietnam.

Pointing out the lack of progress made in areas involving human rights and religious freedom in Vietnam since the accession of Vietnam to membership in the World Trade Organization (WTO) in 2007, this section prohibits any increase in non-humanitarian assistance to the Government of Vietnam in an amount that exceeds the amount provided in fiscal year 2011 unless the Federal Government provides assistance for human rights, civil society and rule of law training and parliamentary exchanges, and the President certifies to the Congress that Vietnam has met certain benchmarks

with regards to human rights and religious freedom, such required certification, however, being subject to a waiver in the national interest.

Subtitle C—Statements of Policy

Section 1131. Ecumenical Patriarchate.

This section states that the United States calls upon the Republic of Turkey to eliminate all forms of discrimination, particularly with regard to religion and race, and to immediately grant the Ecumenical Patriarchate appropriate international recognition and ecclesiastic succession without interference, the ability to train clergy of all nationalities, not only Turkish citizens, and respect the human and property rights of the Ecumenical Patriarchate.

Section 1132. Special Envoy for the Great Lakes Region of Africa.

This section calls upon the President to appoint an Envoy for the Great Lakes Region of Africa, consistent with section 107 of the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006 (Public Law 109–456; 22 U.S.C. 2151 9 note).

Section 1133. Lord's Resistance Army.

This section asserts that it shall be the policy of the United States implement the Administration's strategy released in November 2010, to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army (consistent with section 4 of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009), and to investigate, hold accountable, and impose sanctions against those responsible for war crimes and crimes against humanity in the Republic of Sudan or Republic of South Sudan.

Section 1134. Camp Ashraf.

The Committee remains concerned about the repeated actions by Iraqi forces against the residents of Camp Ashraf. United States Embassy Statement on Transfer of Security Responsibility for Camp Ashraf of December 28, 2008, clearly states that, "The Government of Iraq has provided the US Government written assurances of humane treatment of the Camp Ashraf residents in accordance with Iraq's Constitution, laws and international obligations." Thus, the Government of Iraq was expected to comply with the agreement signed with the United States guaranteeing the physical security and protection of Ashraf residents following the withdrawal of U.S. forces from the area. However, it appears the Government of Iraq has failed to live up to these commitments and meet its obligations to ensure the well-being of those living in Ashraf, prevent their involuntary return to Iran, refrain from harming those residents, and proactively ensure that the humanitarian protections to which Ashraf's residents are entitled, and which they were promised, will be upheld. Accordingly, this provision states that it shall be the policy of the United States to (1) urge the Government of Iraq to uphold its commitments to the United States to ensure the continued well-being of those individuals living in Camp Ashraf and prevent their involuntary return to

Iran in accordance with the United States Embassy Statement on Transfer of Security Responsibility for Camp Ashraf of December 28, 2008; (2) take all necessary and appropriate steps in accordance with international agreements to support the commitments of the United States to ensure the physical security and protection of Camp Ashraf residents; and (3) take all necessary and appropriate steps to prevent the forcible relocation of Camp Ashraf residents inside Iraq and facilitate the robust presence of the United Nations Assistance Mission in Iraq in Camp Ashraf.

Section 1135. Human rights abuses by the Government of Syria.

Based on the continuing crackdown in Syria against peaceful opposition to the regime, this provision states that it shall be the policy of the United States to: Continue to strongly condemn the Government of Syria's suppression of pro-democracy protests and its extensive and systematic violations of and denial of the human rights of the Syrian people; and fully implement and enforce the full range of United States sanctions against the Government of Syria pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, and other provisions of law.

Section 1136. Relations with Russia.

This section states that it shall be the policy of the U.S. to 1) strengthen bilateral relations with Russia, 2) encourage the development by Russia of rules to improve its trade and investment climate, 3) cooperate with the Russian government and civil society to implement political and economic reforms, and 4) cooperate with Russia in certain foreign policy matters.

Section 1137. Cote d'Ivoire.

This section condemns the attempt by former Ivoirian President Laurent Gbagbo to remain in power despite having lost democratic elections, thus sparking a bloody conflict; welcomes the arrest of Gbagbo and calls upon his supporters to lay down their arms; calls for an immediate end to violence, human rights violations, and acts of intimidation against UN peacekeepers; supports the application targeted sanctions; calls an impartial and independent investigation into all allegations of mass killings and other abuses; and urges the Government of Cote d'Ivoire to immediately commence national reconciliation and reconstruction efforts, and facilitate the safe and voluntary returns.

Section 1138. Water and sanitation.

This section notes that the United States has designated Global Health as a policy priority, and that clean, portable water and adequate sanitation are critical foundations for healthy societies. Therefore, this section states that it shall be the policy of the United States to address waterborne illnesses and conditions related to poor sanitation as priorities of United States global health policy.

Subtitle D—Sense of Congress Provisions

PART I—GENERAL PROVISIONS

Section 1141. Bureau of Educational and Cultural Affairs.

This section includes findings regarding the purposes, scope, and utility of U.S. educational, cultural, and professional exchange programs, and expresses the sense of Congress that the State Department's Bureau of Educational and Cultural Affairs fosters mutual understanding between the people of the United States and other countries. Committee adoption of this amendment language offered by Rep. Schwartz in no way represents any change in policy or endorsement of exchanges involving persons affiliated with State Sponsors of Terrorism.

Section 1142. Department of State code of conduct to prevent human trafficking.

This section expresses the sense of Congress that the Secretary should institute a code of conduct within the Department of State to prevent severe forms of trafficking in persons and ensure that State Department contractors do not engage in trafficking in persons.

Section 1143. Public diplomacy.

This section includes findings regarding the growth of new media and their relevance to efforts to combat terrorism, and expresses the sense of congress that (1) strengthening U.S. public diplomacy through private sector collaboration is a foreign policy priority, and (2) the Secretary of State should consider ways to strengthen outreach to key audiences in Egypt, Pakistan, Turkey, and Russia.

Section 1144. Human rights priorities.

This section expresses the sense of Congress that the Secretary of State should ensure that fundamental human rights are incorporated, on a basis at least equal to economic and political factors, into United States bilateral relationships.

Section 1145. Discouraging murder and other forms of violence.

This section expresses the sense of Congress that the Secretary of State should discourage foreign governments from condoning murder and physical violence directed against persons because of their sexual orientation or gender identity.

Section 1146. International cooperation in space.

This section states the sense of Congress that efforts to expand international cooperation in space should not include participation by entities owned, controlled, chartered by, or located within the People's Republic of China.

Section 1147. Boundary, water, and fisheries commissions.

This section notes the fact that a number the boundary, water, and fisheries commissions (authorized in section 104) are significantly behind on their annual reports, which often do not include sufficient detail to allow assessment of their programmatic and fiscal activities, and expresses the sense of Congress that timely and

adequate reporting is necessary to maintaining public support for continued funding.

PART II—COUNTRY-SPECIFIC PROVISIONS

Section 1151. Keystone XL pipeline.

This section urges the Secretary of State to promptly authorize the Presidential Permit for the TransCanada Keystone Gulf Coast Expansion Project (generally referred to as the "Keystone XL pipeline"), which the project has been awaiting since 2008. It is estimated that, once completed, the Keystone XL pipeline would deliver approximately 830,000 barrels of Canadian oil per day to refineries in the U.S. Gulf Coast region, with significant benefits in terms of job creation, domestic revenue, and energy security for the United States.

Section 1152. Activities of the People's Republic of China in Africa.

Recognizing the rapid expansion of Chinese investments in resource-rich and conflict-prone areas in Africa, this section calls on the United States-China Economic and Security Review Commission, as part of its existing mandate and resources, to prepare a report on China's activities in Africa.

Section 1153. Actions to secure freedom of Chen Guangcheng and other human rights defenders in the People's Republic of China.

This section expresses the sense of Congress that the Government of the People's Republic of China should cease its harassment of blind, legal advocate against forced abortions Chen Guangcheng and his family, should arrange for their medical treatment, and should end Mr. Chen's house arrest; and that the President and Secretary of State should seek diplomatic visits to Mr. Chen, should raise the issue of harassed, arrested, disappeared, and disbarred human rights lawyers with the Government of the People's Republic of China, and should aggressively and repeatedly raise the issue of the coercive one-child policy.

Section 1154. Chinese drywall.

Raising concern about the substandard drywall imported into the United States from China for home construction between 2001 and 2009, this section points out scientific studies which have documented the threats to public safety and health resulting from the use of this drywall, including the corrosion of fire and smoke detector equipment and the release of a strong, sulfur-like odor, and notes as well the refusal of Chinese manufacturers to meet with representatives of the Consumer Product Safety Commission; this section further expresses the Sense of Congress that the Secretary of States should insist that the Government of the People's Republic of China, which has ownership interests in these drywall companies, have the companies meet with representatives of the United States Government to remedy the situation and have the companies which manufactured and exported the drywall submit to the jurisdiction of United States Federal courts.

Section 1155. Rights of religious minorities in Egypt.

This section expresses Congressional concern for the protection of religious minorities in Egypt, including Coptic Christians, and highlights this as an appropriate focus for the State Department's Office of International Religious Freedom and the Bureau of Democracy, Human Rights, and Labor.

Section 1156. Plight of Coptic Christians in Egypt.

This section contains findings regarding the plight and persecution of Coptic Christians in Egypt, and expresses the sense of Congress that the Administration should include the protection of those communities as a priority in its diplomatic engagement with the Government of Egypt.

Section 1157. State sponsorship of terrorism by Eritrea.

This section expresses the sense of Congress that the Secretary of State should designate Eritrea as a state sponsor of terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act of 1961.

The Committee believes that Eritrea, a pariah state located in the Horn of Africa, should be designated a state sponsor of terrorism. In recent years, the Government of Eritrea's support for al-Shabaab, a U.S.-designated Foreign Terrorist Organization based in nearby Somalia, has been well documented by United Nations reports. Given its links to al-Qaeda, and al-Shabaab's increasing threat to U.S. security interests, the Committee believes that every effort should be made to sever the group's outside sources of support, including its assistance from Eritrea.

Assistant Secretary of State for African Affairs Johnnie Carson has testified to Congress about Eritrea's supply of weapons to terrorists inside Somalia. Beginning in May 2008, and each subsequent year, the State Department has designated Eritrea as a country "not cooperating fully" with U.S. antiterrorism efforts. In addition to Eritrea, this list currently includes Cuba, Iran, North Korea, Syria and Venezuela.

In December 2009, acting largely at the urging of Eritrea's African neighbors, the United Nations Security Council passed sanctions against Eritrea, demanding that the country "cease arming, training, and equipping" al-Shabaab. African countries continue to press for further action against Eritrea.

Since Committee consideration of H.R. 2583, additional reports have surfaced that heighten the Committee's concern about Eritrea's role in the region. According to the U.N. Monitoring Group on Somalia and Eritrea, "In January 2011, the Government of Eritrea conceived, planned, organized and directed a failed plot to disrupt the African Union summit in Addis Ababa by bombing a variety of civilian and governmental targets." In addition, the Monitoring Group noted "firm evidence of Eritrean support for armed opposition groups throughout the region," including al-Shabaab. Such backing has included political, financial and material support, including arms, ammunition and training.

The United States has significant interests in the Horn of Africa, including al-Qaeda linked elements, the failed state of Somalia and border tensions. A key instigator in this violence has been the Gov-

ernment of Eritrea. The Committee judges the case for Eritrea's inclusion on the state sponsors of terrorism list to be overwhelming.

Section 1158. Holocaust-era property restitution and compensation by certain European countries.

This section states that it is the sense of Congress that Central and Eastern European countries should return looted and confiscated properties from the Holocaust to their rightful owners, or where restitution is not possible, pay equitable compensation in an expeditious, transparent, and fair manner.

Section 1159. Democracy in Georgia.

This section expresses the sense of Congress that Georgia is a strategic partner of the United States, and asserts that the U.S. should support the strengthening of democratic institutions in that country, including a fair and robust electoral system, and independent executive, judicial and legislative branches of government. This section also states that the U.S. should fully support Georgia's efforts to join NATO, and should continue to fully support Georgia's territorial integrity and urge the EU and other responsible nations to call for Russia to abide by the provisions in the August and September 2008 ceasefire agreements which require the complete withdrawal of Russian troops from Georgian territory.

Section 1160. Urging the immediate return of United States children abducted to Japan.

Pointing out that more than 300 United States children have been wrongfully removed to and retained in Japan since the United States began keeping records in 1994 and noting that Japan has announced that it is preparing to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction, this section expresses the Sense of Congress that the ratification by Japan of the Hague Convention alone will not provide for the resolution of the existing cases, that the United States, through a memorandum of understanding with the Government of Japan and other appropriate means, should seek the immediate return of all United States citizen children wrongfully removed to or retained in Japan, and that the Secretary of State should take appropriate measures to assure that the left behind parents have direct access and communications with their children.

Section 1161. Relating to the Quartet and contacts with any Palestinian government.

This provision states that it is the sense of Congress that the Secretary of State should urge the members of the Quartet to agree that—in addition to the requirement that all members of a future Palestinian government must be committed to nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap—that body adopt the immediate and unconditional release of Gilad Shalit as an additional condition for contact with any Palestinian government in which Hamas participates.

Section 1162. Democracy and the rule of law in the Russian Federation.

This section states the sense of Congress that 1) the Russian government should safeguard human rights and ensure that the upcoming parliamentary and presidential elections meet international electoral and other specified standards, and 2) the President and the Secretary of State should make respect for democracy, the rule of law and human rights a priority in U.S.-Russia relations.

Section 1163. Republic of the Sudan and Republic of South Sudan.

This section expresses the sense of Congress that: The independence of the Republic of South Sudan represents a historic opportunity for peace in the region; all parties should resolve outstanding issues related to the Comprehensive Peace Agreement for Sudan, implement security arrangements in Abyei, and conclude a cessation of hostilities in Southern Kordofan; peace, security, rule of law, and good governance should be promoted; responsible nations should promote transparency and accountability in South Sudan's oil sector; and Darfur should remain a priority in U.S.-Sudan relations.

Section 1164. Sale of F–16 fighter aircraft to Taiwan.

This section states the Sense of the Congress that the United States, in accordance with its obligations under the Taiwan Relations Act of 1979, should continue to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capacity. In particular, the provision states that the President should take immediate steps to sell to Taiwan new F–16C/D aircraft and upgrades to its existing F–16 A/B fleet; and diesel submarines offered to Taiwan by the United States in 2001 once the design phase has been completed and construction costs have been appropriately budgeted by the Legislative Yuan.

Section 1165. Official contacts with Government of Turkey.

This section expresses the sense of Congress that official State Department contacts with Turkish leaders and officials should emphasize the need for: an end of all forms of religious discrimination; the unrestricted use of Christian church properties by their rightful owners; the return of Christian church and religious properties to their rightful owners; and the unrestricted ability of rightful owners to preserve, reconstruct, and repair Christian churches and religious properties.

Section 1166. Restrictions on religious freedom in Vietnam.

This section expresses the sense of Congress that the Secretary of State should return Vietnam to the list of "Countries of Particular Concern" (CPC) for severe violations of religious freedom, and that the Government of Vietnam should lift restrictions on religious freedom and implement necessary reforms to protect religious freedom.

Under the International Religious Freedom Act of 1998, the Secretary of State is authorized to designate those countries that commit systematic, ongoing, and egregious violations of religious freedom as CPCs. These countries are subject to a list of sanctions de-

termined by the President, ranging from a public rebuke to the withdrawal of U.S. development assistance.

Having been taken off the CPC list in 2006, the Committee notes significant human rights and religious freedom abuses in Vietnam. Buddhist sects in Vietnam—including the Unified Buddhist Church of Vietnam, the Hoa Hao Buddhists, and the Cao Dai—have suffered numerous abuses including detention, sexual assault by undercover policemen, and beatings. Certain Catholic and Protestant sects face similar abuses. Notably, Ksor Tino, a Degar Christian, died after being detained and tortured with electric prods.

The Committee also notes that 355 Montagnard Protestants remain in prison, arrested after 2001 and 2004 demonstrations for land rights and religious freedom in the Central Highlands. These abuses have led the United States Commission on International Religious Freedom to recommend the redesignation of Vietnam as a CPC.

During Committee consideration, an amendment to strike this section of the bill failed by voice vote.

Section 1167. European arms sales to China.

This provision adds the sense of Congress that the European Union should maintain its arms embargo on the People's Republic of China in light of continuing concerns over widespread human rights abuses, military build-up aimed at Taiwan, and proliferation of weapons of mass destruction and ballistic missile related technology to state sponsors of terrorism. This section also notes that the lifting of this ban by the EU could adversely affect transatlantic defense cooperation; including future transfers of U.S. military technology to EU countries as such technology could potentially later be transferred to the People's Republic of China. A similar provision was carried in H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote during the 110th Congress.

TITLE XII—LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

Section 1201. Short title.

States that this title may be cited as the "Preparing the Palestinian People for Peace Act of 2011."

Section 1202. Sense of Congress.

This section expresses the sense of Congress that the Palestinian Authority has not fully lived up to its prior agreements with Israel to end incitement, and that it should do more to prepare the Palestinian people for peace with Israel.

Section 1203. Limitation on assistance to the Palestinian Authority.

This section amends the Foreign Assistance Act to preclude assistance to the Palestinian Authority unless there is in effect a Presidential certification to Congress that the Palestinian Authority (1) is not engaging in a pattern of incitement against Israel, and (2) is engaged in peace preparation activities to promote peace with the Jewish state of Israel. The President can, by written certification to Congress, waive this limitation if he deems such waiver

important to the national security interests of the United States, in which case the President must submit to Congress a report detailing the justification for the waiver, the purposes for which such assistance will be provided, and the reasons why the President is unable to make the required certification regarding incitement and peace preparation activities. The report also should detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons, halt incitement, dismantle the terrorist infrastructure, and promote peace with the Jewish state of Israel.

LETTER FROM THE COMMITTEE ON ARMED SERVICES

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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515–6035

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ROBERT L. SIMMONS, II, STAFF DIRECTOR

July 20, 2011

The Honorable Ileana Ros-Lehtinen
Chairman
Committee on Foreign Affairs
United States House of Representatives
2170 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Ros-Lehtinen:

Thank you for your ongoing work to ensure that the men and women of our national security establishment have the tools and authorities they need to continue to prosecute the war on terrorism. The hard work of you, Ranking Member Berman, and your committee staff helped to ensure bipartisan support for the Fiscal Year 2012 National Defense Authorization Act and the passage of this critical piece of legislation in May, 2012.

I wish you the best today, as your committee marks up H.R. 2583, the Foreign Relations Authorization Act for Fiscal Year 2012. The Armed Services Committee appreciated the opportunity provided to us to review the bill and provide informal feedback. We look forward to continued collaboration with your committee. In particular, I would be pleased to facilitate joint briefings for our committees with representatives from the Department of State and Department of Defense on their implementation of the 2001 Authorization for Use of Military Forces, Public Law 107-40.

Sincerely,

Howard P. "Buck" McKeon
Chairman

HPM:jbs

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FOREIGN SERVICE ACT OF 1980

* * * * * * *

SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

* * * * * * *

CHAPTER 6—PROMOTION AND RETENTION

* * * * * * *

[Sec. 610. Separation for cause.]
Sec. 610. Separation for cause; suspension.

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

* * * * * * *

CHAPTER 2—MANAGEMENT OF THE SERVICE

* * * * * * *

SEC. 209. INSPECTOR GENERAL.—(a)(1) There shall be an Inspector General of the Department of State and the Foreign Service, who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, or their knowledge and experience in the conduct of foreign affairs. The Inspector General shall report to and be under the general supervision of the Secretary of State. Neither the Secretary of State nor any other officer of the Department shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation. [The Inspector General shall periodically (at least every 5 years) inspect and audit the administration of activities and operations of each Foreign Service post and each bureau and other operating unit of the Department of State, and shall perform such other functions as the Secretary of State may prescribe, except that the Secretary of State shall not assign to the Inspector General any general program operating responsibilities.] *The Inspector General shall perform such functions as the Secretary of State may prescribe, except that the Secretary of State shall not assign to the Inspector general any general operating responsibilities.*

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CHAPTER 3—APPOINTMENTS

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SEC. 305. APPOINTMENT TO THE SENIOR FOREIGN SERVICE.—(a) * * *

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[(d) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3993a of title 5, United States Code.**]**

* * * * * * *

SEC. 309. LIMITED APPOINTMENTS.—(a) A limited appointment in the Service, including an appointment of an individual who is an employee of an agency, may not exceed 5 years in duration and, except as provided in **[**subsection (b)**]** *subsections (b) or (c)*, may not be extended or renewed. A limited appointment in the Service which is limited by its terms to a period of one year or less is a temporary appointment.

(b) A limited appointment may be extended for continued service—

(1) * * *

* * * * * * *

(3) as a career candidate, if *(A),* continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under chapter 11*, or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service*;

(4) as a career employee in another Federal personnel system serving in a Foreign Service position on detail from another agency; **[**and**]**

(5) as a foreign national employee**[**.**]***; and*

(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (if such period of time does not permit additional review by boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.

(c) Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment if there is a one year break in service between each such appointment. The Secretary may in cases of special need waive the requirement for a one year break in service.

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CHAPTER 6—PROMOTION AND RETENTION

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SEC. 601. PROMOTIONS.—(a) * * *

* * * * * * *

(c)(1) * * *

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[(4) Not later than March 1, 2001, and every four years thereafter, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall include the following:

[(A) A description of the steps taken and planned in furtherance of—

[(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

[(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204.

[(B) A workforce plan for the subsequent five years, including projected personnel needs, by grade and by skill. Each such plan shall include for each category the needs for foreign language proficiency, geographic and functional expertise, and specialist technical skills. Each workforce plan shall specifically account for the training needs of Foreign Service personnel and shall delineate an intake program of generalist and specialist Foreign Service personnel to meet projected future requirements.

[(5) If there are substantial modifications to any workforce plan under paragraph (4)(B) during any year in which a report under paragraph (4) is not required, a supplemental annual notification shall be submitted in the same manner as reports are required to be submitted under paragraph (4).]

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SEC. 610. SEPARATION FOR CAUSE*; SUSPENSION*.—(a)* * *

* * * * * * *

(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member's security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

(2) Any member of the Foreign Service for whom a suspension is proposed in accordance with paragraph (1) shall be entitled to—

(A) written notice stating the specific reasons for the proposed suspension;

(B) a reasonable time to respond orally and in writing to the proposed suspension;

(C) representation by an attorney or other representative; and

(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11.

(4) In the case of a grievance filed under paragraph (3)—

(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

(5) In this subsection:

(A) The term "reasonable time" means—

(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

(B) The term "suspend" or "suspension" means the placing of a member of the Foreign Service in a temporary status without duties and pay.

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CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

SUBCHAPTER I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

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SEC. 818. ESTIMATE OF APPROPRIATIONS NEEDED.—The [Secretary of the Treasury] *Secretary of State* shall prepare the estimates of the annual appropriations required to be made to the Fund, and shall make actuarial valuations of the System at intervals of not more than five years. [The Secretary of State may expend from money to the credit of the Fund an amount not exceeding $5,000 per year for the incidental expenses necessary in administering the provisions of this subchapter, including actuarial advice.] *The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this subchapter, including actuarial advice, but only to the extent and in such amounts as are provided in advance in appropriations Acts.*

SEC. 819. INVESTMENT OF THE FUND.—The Secretary of the Treasury shall invest from time to time in interest-bearing securities of the United States such portions of the Fund as in the judgment of the [Secretary of the Treasury] *Secretary of State* may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances. The income derived from such investments shall constitute a part of the Fund.

* * * * * * *

SEC. 825. VOLUNTARY CONTRIBUTIONS.—(a) * * *

(b) The benefits provided by subsection (a) (2), (3), or (4) shall be actuarially equivalent in value to the payment provided for by subsection (a)(1) and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the [Secretary of the Treasury] *Secretary of State*.

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SUBCHAPTER II—FOREIGN SERVICE PENSION SYSTEM

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SEC. 859. GENERAL AND ADMINISTRATIVE PROVISIONS.—(a)* * *

* * * * * * *

(c) At least every 5 years, the [Secretary of the Treasury] *Secretary of State* shall prepare periodic valuations of the Foreign Service Pension System [and shall advise the Secretary of State of] *that will provide* (1) the normal cost of the System, (2) the supplemental liability of the System, and (3) the amounts necessary to finance the costs of the System.

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STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

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TITLE I—BASIC AUTHORITIES GENERALLY

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SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

(a) * * *

(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) * * *

* * * * * * *

(4) the arrest or conviction in any country of any individual for illegally exporting or attempting to export to Mexico any small arm or light weapon (as defined in section 1013K(b) of the Foreign Relations Authorization Act, Fiscal Year 2012);

[(4)] *(5)* the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in [paragraph (1), (2), or (3)] *paragraph (1), (2), (3), or (4)*;

[(5)] *(6)* the prevention, frustration, or favorable resolution of an act described in [paragraph (1), (2), or (3)] *paragraph (1), (2), (3), or (4)*, including by dismantling an organization in whole or significant part;

[(6)] *(7)* the identification or location of an individual who holds a key leadership position in a terrorist organization; or

[(7)] *(8)* the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

(A) * * *

* * * * * * *

SPECIAL AGENTS

SEC. 37. (a) GENERAL AUTHORITY.—Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

[(1) conduct investigations concerning illegal passport or visa issuance or use;]

(1) conduct investigations concerning—

(A) illegal passport or visa issuance or use;

(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and

(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States as defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences;

* * * * * * *

EXPENSES RELATING TO PARTICIPATION IN ARBITRATIONS OF CERTAIN DISPUTES

SEC. 38. (a) * * *

* * * * * * *

(d) INTERNATIONAL LITIGATION FUND.—

(1) * * *

* * * * * * *

(3) TRANSFERS OF FUNDS.—Funds received [by the Department of State from another agency of the United States Government or pursuant to] *by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to* the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

* * * * * * *

DEFENSE TRADE CONTROLS REGISTRATION FEES

SEC. 45. [For] *(a) IN GENERAL.—For* each fiscal year, 100 percent of the registration fees collected by the [Office] *Directorate* of Defense Trade Controls of the Department of State shall be credited to a Department of State account, to be available without fiscal year limitation. [Fees credited to that account shall be available only for payment of expenses incurred for—

[(1) contract personnel to assist in the evaluation of defense trade controls license applications, reduction in processing time for license applications, and improved monitoring of compliance with the terms of licenses;

[(2) the automation of defense trade control functions, including compliance and enforcement activities, and the processing of defense trade control license applications, including the development, procurement, and utilization of computer equipment and related software; and

[(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administra-

tive proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.]

(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

(1) management;

(2) licensing;

(3) compliance;

(4) policy activities; and

(5) public outreach.

* * * * * * *

SECTION 136 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

SEC. 136. INCREASED PARTICIPATION OF UNITED STATES CONTRACTORS IN LOCAL GUARD CONTRACTS ABROAD UNDER THE DIPLOMATIC SECURITY PROGRAM.

(a) * * *

* * * * * * *

(c) PARTICIPATION OF UNITED STATES CONTRACTORS IN LOCAL GUARD CONTRACTS ABROAD.—[With respect] *Except as provided in subsection (d), with respect* to local guard contracts for a Foreign Service building which exceed $250,000 and are entered into after the date of enactment of this Act, the Secretary of State shall—

(1) * * *

* * * * * * *

(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection [(d)] *(e)*) shall be evaluated by reducing the bid price by 10 percent;

* * * * * * *

(d) AWARD OF LOCAL GUARD AND PROTECTIVE SERVICE CONTRACTS IN HIGH RISK AREAS.—With respect to local guard contracts for Foreign Service buildings located in high risk areas which exceed $250,000, the Secretary of State shall—

(1) comply with paragraphs (1), (2), (4), (5), and (6) of subsection (c) in the award of such contracts;

(2) in evaluating proposals for such contracts, award contracts to the firm representing the best value to the Government in accordance with the best value tradeoff process described in subpart 15.1 of the Federal Acquisition Regulation (48 C.F.R. 15.101–1); and

(3) ensure that in all contracts awarded under this subsection, contractor personnel providing local guard or protective services are classified as—

(A) employees of the offeror;

(B) if the offeror is a joint venture, as the employees of one of the persons or parties constituting the joint venture; or

(C) as employees of a subcontractor to the offeror, and not as independent contractors to the offeror or any other entity performing under such contracts.

[(d)**]** *(e)* DEFINITIONS.—For the purposes of this section—

(1) * * *

* * * * * * *

(3) the term "Foreign Service building" means any building or grounds of the United States which is in a foreign country and is under the jurisdiction and control of the Secretary of State, including residences of United States personnel assigned overseas under the authority of the Ambassador; **[**and**]**

(4) the term "barrier to local competition" means—

(A) * * *

* * * * * * *

(E) conditions of extreme local political instability**[**.**]***; and*

(5) the term "high risk areas" means—

(A) an area designated as a contingency operation in accordance with section 101(a)(13) of title 10, United States Code; or

(B) an area determined by the Assistant Secretary of Diplomatic Security to present an increased threat of serious damage or harm to United States diplomatic facilities or personnel.

[(e)**]** *(f)* UNITED STATES MINORITY CONTRACTORS.—Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings subject to subsection (c) shall be allocated to the extent practicable for contracts with United States minority small business contractors.

[(f)**]** *(g)* UNITED STATES SMALL BUSINESS CONTRACTORS.—Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings subject to subsection (c) shall be allocated to the extent practicable for contracts with United States small business contractors.

[(g)**]** *(h)* LIMITATION OF SUBCONTRACTING.—With respect to local guard contracts subject to subsection (c), a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

ACT OF JUNE 4, 1920

CHAP. 223.—AN ACT MAKING APPROPRIATIONS FOR THE DIPLOMATIC AND CONSULAR SERVICE FOR THE FISCAL YEAR ENDING JUNE 30, 1921.

* * * * * * *

SECTION 1. (a) * * *

(b)(1) * * *

(2) The authority to collect the surcharge provided under paragraph (1) may not be exercised after September 30, [2010] *2015*.

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TIBETAN POLICY ACT OF 2002

* * * * * * *

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEAR 2003

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TITLE VI—MISCELLANEOUS PROVISIONS

* * * * * * *

Subtitle B—Tibet Policy

* * * * * * *

SEC. 613. TIBET NEGOTIATIONS.

(a) POLICY.—

(1) IN GENERAL.—The President and the Secretary should encourage the Government of the People's Republic of China to enter into a dialogue with the Dalai Lama or his representatives leading to a negotiated agreement on Tibet*, and should coordinate with other governments in multilateral efforts toward this goal*.

(2) POLICY COORDINATION.—The President shall direct the National Security Council to ensure that, in accordance with this Act, United States policy on Tibet is coordinated and communicated with all executive branch agencies in contact with the Government of the People's Republic of China.

[(2)] *(3)* COMPLIANCE.—After such an agreement is reached, the President and the Secretary should work to ensure compliance with the agreement.

* * * * * * *

SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.

(a) DECLARATIONS OF POLICY.—It is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. In support of this policy, the United States shall use its voice and vote to support projects designed in accordance with the principles contained in [subsection (d)] *subsection (e)* that are designed to raise the standard of living for the Tibetan people and assist Tibetans to become self-sufficient.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet, if the projects are designed in accordance with the principles contained in [subsection (d)] *subsection (e)*.

(c) EXPORT-IMPORT BANK AND TDA.—The Export-Import Bank of the United States and the Trade and Development Agency should support projects proposed to be funded or otherwise supported by such entities in Tibet, if the projects are designed in accordance with the principles contained in [subsection (d)] *subsection (e)*.

(d) UNITED STATES ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetan communities in the Tibet Autonomous Region and in other Tibetan communities in China, in accordance with the principles specified in subsection (e) and subject to review and approval of the United States Special Coordinator for Tibetan Issues under section 621(d).

[(d)] *(e)* TIBET PROJECT PRINCIPLES.—Projects in Tibet supported by international financial institutions, other international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

(1) * * *

* * * * * * *

[SEC. 618. ESTABLISHMENT OF A UNITED STATES BRANCH OFFICE IN LHASA, TIBET.

[The Secretary should make best efforts to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet.]

SEC. 618. ESTABLISHMENT OF A UNITED STATES CONSULATE IN LHASA, TIBET.

The Secretary shall seek to establish a United States consulate in Lhasa, Tibet, to provide services to United States citizens traveling in Tibet and to monitor political, economic, and cultural developments in Tibet, including Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces and, until such consulate is established, shall not permit the establishment in the United States of any additional consulate of the People's Republic of China.

* * * * * * *

SEC. 620. RELIGIOUS PERSECUTION IN TIBET.

(a) * * *

(b) PROMOTION OF INCREASED ADVOCACY.—Pursuant to section 108(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6417(a)), it is the sense of Congress that representatives of the United States Government in exchanges with officials of the Government of the People's Republic of China should call for and otherwise promote the cessation of all interference by the Government of the People's Republic of China or the Communist Party in

the religious affairs of the Tibetan people*, including in the reincarnation system of Tibetan Buddhism*.

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SECTION 604 OF THE SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999

* * * * * * *

SEC. 604. AUTHORIZATIONS OF APPROPRIATIONS.

(a) * * *

* * * * * * *

(e) CAPITAL SECURITY COST SHARING.—

(1) AUTHORITY.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of [providing new,] *providing, maintaining, repairing, and renovating* safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

SECTION 410 OF THE DEPARTMENT OF STATE AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SEC. 410. (a)(1)(A) Notwithstanding any other provision of law and subject to subparagraph (B), the Secretary of State and the Attorney General shall impose, for the processing of any application for the issuance of a machine readable combined border crossing card and nonimmigrant visa under section 101(a)(15)(B) of the Immigration and Nationality Act, [a fee of $13] *a fee equal to one-half the fee that would otherwise apply for processing a machine readable combined border crossing identification card and nonimmigrant visa* (for recovery of the costs of manufacturing the combined card and visa) in the case of any alien under 15 years of age where the application for the machine readable combined border crossing card and nonimmigrant visa is made in Mexico by a citizen of Mexico who has at least one parent or guardian who has a visa under such section or is applying for a machine readable combined border crossing card and nonimmigrant visa under such section as well.

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SECTION 7 OF THE JERUSALEM EMBASSY ACT OF 1995

SEC. 7. PRESIDENTIAL WAIVER.

(a) WAIVER AUTHORITY.—(1) * * *

* * * * * * *

(4) The Presidential waiver authority granted in this section shall expire on January 1, 2014.

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TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 55—PAY ADMINISTRATION

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SUBCHAPTER V—PREMIUM PAY

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§ 5550b. Compensatory time off for travel

(a) * * *

* * * * * * *

(c) The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).

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SECTION 504 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2003

SEC. 504. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.

(a) * * *

* * * * * * *

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, [2009] *2014*. A contract entered into prior to the termination date under this subsection

may remain in effect for a period not to exceed 6 months after such termination date.

UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

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TITLE VIII—ADMINISTRATIVE PROCEDURES

* * * * * * *

BASIC AUTHORITY

SEC. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens *(for purposes of this paragraph, the term "suitably qualified United States citizens" means those United States citizen applicants who are equally or better qualified than alien applicants)* are not available when job vacancies occur, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions and procedures as may be established by the Director of the United States Information Agency and the [Attorney General] *Secretary of Homeland Security*;

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UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994

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TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT

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SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

(a) * * *

* * * * * * *

(g) Immunity from Civil Liability.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Broadcasting Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, [Incorporated and Radio Free

Asia] *Incorporated, Radio Free Asia, and Middle East Broadcasting Networks.*

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SECTION 560 OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1994

(Public Law 103–87)

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 560. (a) * * *

* * * * * * *

[(g) None of the funds appropriated by this Act shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of 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 interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief: Provided further, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: Provided further, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.]

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ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

(Public Law 106–113)

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DIVISION A—DEPARTMENT OF STATE PROVISIONS

* * * * * * *

TITLE VI—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

* * * * * * *

SEC. 605. OBLIGATIONS AND EXPENDITURES.

(a) * * *

* * * * * * *

[(c) SEMIANNUAL REPORTS ON ACQUISITION AND MAJOR SECURITY UPGRADES.—On June 1 and December 1 of each year, the Secretary of State shall submit a report to the appropriate congressional committees on the embassy construction and security program authorized under this title. The report shall include—

[(1) obligations and expenditures—

[(A) during the previous two fiscal quarters; and

[(B) since the enactment of this Act;

[(2) projected obligations and expenditures for the fiscal year in which the report is submitted and how these obligations and expenditures will improve security conditions of specific diplomatic facilities; and

[(3) the status of ongoing acquisition and major security enhancement projects, including any significant changes in—

[(A) the budgetary requirements for such projects;

[(B) the schedule of such projects; and

[(C) the scope of the projects.]

* * * * * * *

SECTION 104 OF THE FREEDOM SUPPORT ACT

(Public Law 102–511)

[SEC. 104. ANNUAL REPORT.

[Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act or other provisions of law. Each such report shall include—

[(1) an assessment of the progress each independent state has made in meeting the standards set forth in section 498A of the Foreign Assistance Act of 1961, including a description of the steps each independent state has taken or is taking toward meeting those standards and a discussion of additional steps that each independent state could take to meet those standards;

[(2) a description of the United States assistance for each independent state that was provided during the preceding fiscal year, is planned for the current fiscal year, and is proposed for the coming fiscal year, specifying the extent to which such assistance for the preceding fiscal year and for current fiscal year has actually been delivered;

[(3) an assessment of the effectiveness of United States assistance in achieving its purposes;

[(4) an evaluation of the manner in which the "notwithstanding" authority provided in section 498B(j)(1) of the For-

eign Assistance Act of 1961, and the "notwithstanding" authority provided in any other provision of law with respect to assistance for the independent states, has been used and why the use of that authority was necessary; and

[(5) with respect to the countries of the South Caucasus and Central Asia—

[(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

[(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has accomplished the purposes identified in that chapter;

[(C) a description of the progress being made by the United States to resolve trade disputes registered with and raised by the United States embassies in each country, and to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

[(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.]

SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT OF 1989

(Public Law 101–179)

SEC. 704. ANNUAL SEED PROGRAM REPORT.

(a) * * *

* * * * * * *

[(c) ANNUAL SEED PROGRAM REPORT.—Not later than January 31 of each year (beginning in 1991), the President shall submit to the Congress a "Report on the United States Program of Support for East European Democracy (the SEED Program)". Each such report shall describe the assistance provided to each East European country under this Act during the preceding fiscal year. In addition, each such report shall contain an assessment of the progress made by each such recipient country in—

[(1) implementing economic policies designed to promote sustained economic growth, develop economic freedom, and increase opportunities for the people of that country; and

[(2) adopting and implementing constitutional, legal, and administrative measures that—

[(A) affect the powers of the executive and legislative authorities and the independence of the judiciary,

[(B) affect the formation and operation of independent political parties, groups, associations, or organizations, or

[(C) affect fundamental human rights and civil liberties.]

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

(Public Law 103–337)

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DIVISION A—DEPARMENT OF DEFENSE AUTHORIZATIONS

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TITLE X—GENERAL PROVISIONS

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Subtitle B—Counter-Drug Activities

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SEC. 1012. OFFICIAL IMMUNITY FOR AUTHORIZED EMPLOYEES AND AGENTS OF THE UNITED STATES AND FOREIGN COUNTRIES ENGAGED IN INTERDICTION OF AIRCRAFT USED IN ILLICIT DRUG TRAFFICKING.

(a) * * *

* * * * * * *

[(c) ANNUAL REPORT.—(1) Except as provided in paragraph (2), not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

[(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

[(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

[(C) A complete description of any assistance provided under subsection (b).

[(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

[(2) In the case of a report required to be submitted under paragraph (1) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal date for such report shall be as provided in section 507 of that Act.

[(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.]

* * * * * * *

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

(Public Law 104–208)

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1997, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

Sec. 101. (a) * * *

* * * * * * *

(c) For programs, projects or activities in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes

* * * * * * *

TITLE V—GENERAL PROVISIONS

* * * * * * *

[NORTH KOREA

[SEC. 585. Ninety days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

[(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

[(b) the deployment position and military training and activities of the DPRK forces and best estimate of the associated costs of these activities; and

[(c) steps taken to reduce the DPRK level of forces.]

* * * * * * *

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2003

(Public Law 107–228)

AN ACT To authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.

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DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEAR 2003

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TITLE VI—MISCELLANEOUS PROVISIONS

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Subtitle G—Other Matters

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SEC. 694. REPORTS ON ACTIVITIES IN COLOMBIA.

[(a) REPORT ON REFORM ACTIVITIES.—

[(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

[(2) CONTENTS.—Each such report shall contain the following:

[(A) A summary of activities described in paragraph (1) during the previous 12-month period.

[(B) An estimated timetable for the conduct of such activities in the subsequent 12-month period.

[(C) An explanation of any delay in meeting timetables contained in the previous report submitted in accordance with this subsection.

[(D) An assessment of steps to be taken to correct any delays in meeting such timetables.]

* * * * * * *

SEC. 694. REPORTS ON ACTIVITIES IN COLOMBIA.

(a) * * *

[(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

[(1) DECLARATION OF POLICY.—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in Colombia by United States businesses that have entered into agreements with the Department or the Department of Defense to conduct such activities, to Colombian nationals, in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

[(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate

congressional committees a report on the activities of United States businesses that have entered into agreements in the previous 12-month period with the Department or the Department of Defense to carry out counternarcotics activities in Colombia.

[(3) CONTENTS.—Each such report shall contain the following:

[(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

[(B) The total value of all payments by the Department and the Department of Defense to each such business for such activities.

[(C) A written statement justifying the decision by the Department and the Department of Defense to enter into an agreement with each such business for such activities.

[(D) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

[(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

[(4) DEFINITION.—In this subsection, the term "United States business" means any person (including any corporation, partnership, or other organization) that is subject to the jurisdiction of the United States or organized under the laws of the United States, but does not include any person (including any corporation, partnership, or other organization) that performs contracts involving personal services.]

* * * * * * *

[SEC. 704. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".

[(a) REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until all funds made available to the German Foundation have been disbursed, the Secretary shall report to the appropriate congressional committees on the status of the implementation of the Agreement and, to the extent possible, on whether or not—

[(1) during the 180-day period preceding the date of the report, the German Bundestag has authorized the allocation of funds to the Foundation, in accordance with section 17 of the law on the creation of the Foundation, enacted by the Federal Republic of Germany on August 8, 2000;

[(2) the entire sum of 10,000,000,000 deutsche marks has been made available to the German Foundation in accordance with Annex B to the Joint Statement of July 17, 2000;

[(3) during the 180-day period preceding the date of the report, any company or companies investigating a claim, who are members of ICHEIC, were required to provide to the claim-

ant, within 90 days after receiving the claim, a status report on the claim, or a decision that included—

[(A) an explanation of the decision, pursuant to those standards of ICHEIC to be applied in approving claims;

[(B) all documents relevant to the claim that were retrieved in the investigation; and

[(C) an explanation of the procedures for appeal of the decision;

[(4) during the 180-day period preceding the date of the report, any entity that elected to determine claims under Article 1(4) of the Agreement was required to comply with the standards of proof, criteria for publishing policyholder names, valuation standards, auditing requirements, and decisions of the Chairman of ICHEIC;

[(5) during the 180-day period preceding the date of the report, an independent process to appeal decisions made by any entity that elected to determine claims under Article 1(4) of the Agreement was available to and accessible by any claimant wishing to appeal such a decision, and the appellate body had the jurisdiction and resources necessary to fully investigate each claim on appeal and provide a timely response;

[(6) an independent audit of compliance by every entity that has elected to determine claims under Article 1(4) of the Agreement has been conducted; and

[(7) the administrative and operational expenses incurred by the companies that are members of ICHEIC are appropriate for the administration of claims described in paragraph (3).

The Secretary's report shall include the Secretary's justification for each determination under this subsection.

[(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

[(1) the resolution of slave and forced labor claims is an urgent issue for aging Holocaust survivors, and the German Bundestag should allocate funds for disbursement by the German Foundation to Holocaust survivors as soon as possible; and

[(2) ICHEIC should work in consultation with the Secretary in gathering the information required for the report under subsection (a).

[(c) DEFINITIONS.—In this section:

[(1) AGREEMENT.—The term "Agreement" means the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the Foundation "Remembrance, Responsibility and the Future", done at Berlin July 17, 2000.

[(2) ANNEX B TO THE JOINT STATEMENT OF JULY 17, 2000.—The term "Annex B to the Joint Statement of July 17, 2000" means Annex B to the Joint Statement on occasion of the final plenary meeting concluding international talks on the preparation of the Federal Foundation "Remembrance, Responsibility and the Future", done at Berlin on July 17, 2000.

[(3) GERMAN FOUNDATION.—The term "German Foundation" means the Foundation "Remembrance, Responsibility and the Future" referred to in the Agreement.

[(4) ICHEIC.—The term "ICHEIC" means the International Commission on Holocaust Era Insurance Claims referred to in Article 1(4) of the Agreement.]

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DIVISION B—SECURITY ASSISTANCE ACT OF 2002

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TITLE XIII—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

* * * * * * *

Subtitle B—Russian Federation Debt Reduction for Nonproliferation

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[SEC. 1321. ANNUAL REPORTS TO CONGRESS.

[Not later than December 31, 2003, and not later than December 31 of each year thereafter, the President shall prepare and transmit to Congress a report concerning actions taken to implement this subtitle during the fiscal year preceding the fiscal year in which the report is transmitted. The report on a fiscal year shall include—

[(1) a description of the activities undertaken pursuant to this subtitle during the fiscal year;

[(2) a description of the nature and amounts of the loans reduced pursuant to this subtitle during the fiscal year;

[(3) a description of any agreement entered into under this subtitle;

[(4) a description of the progress during the fiscal year of any projects funded pursuant to this subtitle;

[(5) a summary of the results of relevant audits performed in the fiscal year; and

[(6) a certification, if appropriate, that the Russian Federation continued to meet the condition required by section 1317(a), and an explanation of why the certification was or was not made.]

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SUDAN PEACE ACT

(Public Law 107–245)

AN ACT To facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

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SEC. 11. INVESTIGATION OF WAR CRIMES.

(a) * * *

[(b) REPORT.—Not later than 6 months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a detailed report on the information that the Secretary of State has collected under subsection (a) and any findings or determinations made by the Secretary on the basis of that information. The report under this subsection may be submitted as part of the report required under section 8.]

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FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

(Public Law 103–236)

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TITLE V—FOREIGN POLICY

PART A—GENERAL PROVISIONS

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SEC. 514. IMPLEMENTATION OF PARTNERSHIP FOR PEACE.

[(a) REPORT TO CONGRESS.—The President shall submit annually, beginning 90 days after the date of enactment of this Act, a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of the "Partnership for Peace" initiative, including an assessment of the progress made by former members of the Warsaw Treaty Organization in meeting the criteria for full membership articulated in Article 10 of the North Atlantic Treaty, wherein any other European state may, by unanimous agreement, be invited to accede to the North Atlantic Treaty if it is in a position to further the principles of the Treaty and to contribute to the security of the North Atlantic area.]

* * * * * * *

SECTION 807 OF THE ACT OF NOVEMBER 22, 1983

(Public Law 98-164)

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting the Inter-American Foundation and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

[REPORT

[SEC. 807. The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this title a report of the activities of such institution supported by such assistance, if

the administrative expenses of such institution which are covered by such assistance represent more than 10 per centum of such assistance, together with such recommendations as the Advisory Committee deems advisable.]

FOREIGN ASSISTANCE ACT OF 1961

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PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

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SEC. 105A. ASSISTANCE TO ESTABLISH PARTNERSHIPS BETWEEN BUSINESSES AND POSTSECONDARY EDUCATIONAL INSTITUTIONS IN DEVELOPING COUNTRIES IN AFRICA.

(a) ASSISTANCE AUTHORIZED.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide assistance, on such terms and conditions as the President may determine, to establish partnerships between businesses and postsecondary educational institutions in developing countries in Africa to further the education and entrepreneurship skills of students at such institutions in order to increase economic freedom and competitiveness, promote civil society, and improve the quality of life in such countries.

(b) ACTIVITIES SUPPORTED.—Assistance provided under subsection (a) shall, to the maximum extent practicable, be used to—

(1) enable students at postsecondary educational institutions in developing countries in Africa to practice in the field what they are learning in the classroom and thereby acquire relevant business and management experience;

(2) provide opportunities for individuals in developing countries in Africa who are unable to receive a formal education to benefit from the transfer of knowledge and skills by students described in paragraph (1); and

(3) carry out other appropriate activities, including—

(A) training students described in paragraph (1) and faculty to build sustainable programs;

(B) institutionalizing and promoting sustainability of program leadership;

(C) supporting the launch and development of new in-country operations;

(D) investing in other United States assistance programs for long-term sustainability and support of African programs; and

(E) demonstrating results and sharing best practices.

(c) REPORT.—The President shall transmit to Congress a report on the implementation of this section for each of the fiscal years 2012 through 2016. The report shall include an assessment of the impact of the assistance provided under subsection (a) and an analysis of the extent to which such assistance could be provided in other regions of the world.

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SEC. 116. HUMAN RIGHTS.—(a) * * *

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(g) PROGRESS TO AMELIORATE VIOLATIONS OF RELIGIOUS FREEDOM.—Every five years beginning in 2012, the report required by subsection (d) shall include, wherever applicable, a description of progress to ameliorate violations of religious freedom identified by the United States Commission on International Religious Freedom by governments of countries designated by the Commission as Countries of Particular Concern.

(h) SEX-SELECTION ABORTION.—The report required by subsection (d) of this section shall include, wherever applicable, systematic assessments and conclusions of the extent and nature of sex-selection abortion in each foreign country.

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SEC. 133. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) * * *

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[(d) BIENNIAL REPORTS.—

[(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce and the Administrator of the United States Agency for International Development, shall prepare and transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a biennial report on—

[(A) projects and activities carried out under programs established under subsection (a) for the preceding two-year period in priority countries identified pursuant to subsection (a)(3); and

[(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the preceding two-year period in such countries.

[(2) REQUIRED CONTENTS.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

[(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.

[(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.

[(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.]

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PART II

CHAPTER 1—POLICY

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SEC. 502B. HUMAN RIGHTS.—(a) * * *

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(j) PROGRESS TO AMELIORATE VIOLATIONS OF RELIGIOUS FREEDOM.—Every five years beginning in 2012, the report required by subsection (b) shall include, wherever applicable, a description of progress to ameliorate violations of religious freedom identified by the United States Commission on International Religious Freedom by governments of countries designated by the Commission as Countries of Particular Concern.

(k) SEX-SELECTION ABORTION.—The report required by subsection (b) of this section shall include, wherever applicable, systematic assessments and conclusions of the extent and nature of sex-selection abortion in each foreign country.

CHAPTER 2—MILITARY ASSISTANCE

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SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) * * *

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(g) AGGREGATE ANNUAL LIMITATION.—

(1) IN GENERAL.—The aggregate value of excess defense articles *authorized to be* transferred to countries under this section in any fiscal year may not exceed $[425,000,000] *450,000,000*.

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CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 541. GENERAL AUTHORITY.—(a) The President is authorized to furnish, on such terms and conditions consistent with this Act as the President may determine (but whenever feasible on a reimbursable basis), military education and training to military and related civilian personnel of foreign countries *and comparable personnel of regional and sub-regional organizations for the purposes of contributing to peacekeeping operations*. Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense, and may also include legislators and individuals who are not members of the government, if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, (iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv) improve military justice systems and procedures in accordance with internationally recognized human rights. Such training and education may be provided through—

(1) * * *

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SEC. 542. AUTHORIZATION.—[There are authorized to be appropriated to the President to carry out the purposes of this chapter $56,221,000 for the fiscal year 1986 and $56,221,000 for the fiscal year 1987] *There are authorized to be appropriated to the President to carry out the purposes of this chapter $105,800,000 for fiscal year 2012*.

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CHAPTER 6—PEACEKEEPING OPERATIONS

SEC. 551. GENERAL AUTHORITY.—[The President] *(a) The President* is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States. Such assistance may include reimbursement to the Department of Defense for expenses incurred pursuant to section 7 of the United Nations Participation Act of 1945, except that such reimbursements may not exceed $5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

(b) Assistance authorized to be appropriated under this chapter may also be used, notwithstanding section 660, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations.

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PART III

CHAPTER 1—GENERAL PROVISIONS

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SEC. 620C. UNITED STATES POLICY REGARDING THE EASTERN MEDITERRANEAN.—(a) * * *

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(c) Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly. To facilitate such a review the President shall, within 60 days after the date of enactment of this section and at the end of each succeeding [60-day] *90-day* period, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem*, including a detailed description of programs and activities funded by the United States to help achieve the reunification of Cyprus*. Such transmissions shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

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SEC. [620J.] *620M*. LIMITATION ON ASSISTANCE TO SECURITY FORCES.

(a) * * *

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SEC. 620N. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) LIMITATION.—Funds may not be provided under this Act to the Palestinian Authority except during a period for which a certification described in subsection (b) is in effect.

(b) CERTIFICATION.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter—

(1) the President shall certify in writing, to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Foreign Affairs of the House of Representatives and Foreign Relations of the Senate that leaders of the Palestinian Authority or any caretaker or follow-on government have not unilaterally declared independence in 2011 or thereafter, are engaged in peace negotiations with the State of Israel, and are not pursuing recognition of Palestinian statehood at the United Nations; or

(2) if the President is unable to make such a certification, the President shall transmit to the individuals and committees described in paragraph (1) a report that contains the reasons therefor.

(c) WAIVER.—The President may waive subsection (a) if—

(1) the President determines that it is vital to the national security interest of the United States to do so; and

(2) the President transmits to the individuals and committees described in subsection (b)(1) a report detailing—

(A) the justification for the waiver, the purposes for which the funds for the Palestinian Authority will be spent, and the reasons the President is unable to make the certification contained in subsection; and

(B) the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons, dismantle terrorist infrastructure, halt incitement, and to promote peace with the Jewish state of Israel.

SEC. 620O. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) LIMITATION.—Funds may not be provided under this Act to the Palestinian Authority except during a period for which a certification described in subsection (b) is in effect.

(b) CERTIFICATION.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall certify in writing to Congress that the Palestinian Authority—

(1) is not engaging in a pattern of incitement against Israel; and

(2) is engaged in peace preparation activities, that is, activities aimed at promoting peace with the Jewish state of Israel.

(c) WAIVER.—The limitation of subsection (a) shall not apply if the President certifies in writing to Congress that waiving such prohibition is important to the national security interests of the United States.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (c) is exercised, the President shall submit to Congress a report detailing the justification for the waiver, the purposes for which the funds will be spent, and the reasons the President is unable to make the certification in subsection (b). Such report shall also detail

the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons, halt incitement, dismantle the terrorist infrastructure, and promote peace with the Jewish state of Israel.

(e) DEFINITIONS.—In this section:

(1) CONGRESS.—The term "Congress" means—

(A) the Speaker, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the President pro tempore, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(2) INCITEMENT.—The term "incitement" means any of the following that is sponsored, supported, or directed by officials or employees of the Palestinian Authority or Palestinian Authority-controlled, sponsored, or supported electronic, broad cast, and print media, schools, mosques, and institutions:

(A) Statements, media, communication, or other activities against any religion, ethnicity, or nationality.

(B) Advocacy, endorsement, or glorification of violence, martyrdom, or terrorism.

(C) Endorsement, glorification, honor, or other memorialization of any person or group that has advocated, sponsored, or committed acts of terrorism, including the naming after or dedication to such person or group of any school, community center, camp, stadium, public square, street, land, landmark, waterway, or other facility.

(3) PEACE PREPARATION ACTIVITIES.—The term "peace preparation activities" means Arabic-language communications and educational activities sponsored by the Palestinian Authority, which are communicated or administered via electronic, broad cast and print media, schools, mosques and statements by government officials that may include the following:

(A) Public acknowledgments of the State of Israel's right to exist as a Jewish state.

(B) Firm public commitments to and endorsements of peaceful co-existence with the Jewish State of Israel.

(C) Production, distribution, and public display via all media platforms, schools, mosques, educational materials and elsewhere of maps that show the State of Israel existing as "Israel" side-by-side with "Palestine" and halting all production, distribution, or public display of maps that do not include a state of Israel.

(D) Renouncing any and all future rights or claims to commit acts of violence against Israel.

CHAPTER 2—ADMINISTRATIVE PROVISIONS

* * * * * * *

SEC. 634. ANNUAL REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding American foreign policy and the effectiveness of assistance provided by the United States Government to other countries and to international organizations, the [Chairman of the Development Coordination Committee] *President* shall prepare and transmit to the Congress, no later than February 1 of each year, as a

part of the annual presentation materials for foreign assistance, a report as described in this subsection. This report shall include—

(1) * * *

* * * * * * *

[(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotic control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

[(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6);]

[(8)] *(6)* the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of September 30 of the preceding fiscal year;

[(9)] *(7)* the Development Coordination Committee's operations pursuant to section 640B(f) of this Act;

[(10)] *(8)* the aggregate dollar value and quantity of grant military assistance, military education and training, and any other defense articles and services furnished under this Act by the United States to each foreign country and international organization for the preceding fiscal year;

[(11)] *(9)* information concerning the activities of the Minority Resource Center during the preceding fiscal year; and

[(12)] *(10)* other information appropriate to the conduct of the foreign assistance program of the United States Government.

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(c) REPORT REQUIRED.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees, at such time that the President submits the annual budget request under section 1105 of title 31, United States Code, a report providing the most up-to-date and detailed information on aid commitments and disbursements by other donors and international organizations to countries and regions for which the President is seeking United States assistance funds.

(2) USE OF READILY AVAILABLE RESOURCES AND STATISTICS.—In carrying out this subsection, the President shall utilize all readily available resources and statistics, including information provided by such organizations as the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

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CHAPTER 3—MISCELLANEOUS PROVISIONS

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SEC. 655. ANNUAL MILITARY ASSISTANCE REPORT.

(a) * * *

(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States and of such articles, services, and activities provided by the United States, excluding any activity that is reportable under title V of the National Security Act of 1947, to each foreign country and international organization. The report shall specify, by category, **[**whether such defense articles—**]** *the following:*

(1) *Whether such defense articles* were furnished by grant under chapter 2 or chapter 5 of part II of this Act or under any other authority of law or by sale under chapter 2 of the Arms Export Control Act**[**;**]**.

(2) *Whether such defense articles* were furnished with the financial assistance of the United States Government, including through loans and guarantees**[**; or**]**.

[(3) were licensed for export under section 38 of the Arms Export Control Act and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report, including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report.**]**

(3) Whether such defense articles were exported without a license under section 38 of the Arms Export Control Act pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption in the regulation under which the export was made.

(4) A detailed listing, by United States Munitions List category and sub-category, as well as by country and by international organization, of the actual total dollar value of major defense equipment and defense articles delivered pursuant to licenses authorized under section 38 of the Arms Export Control Act for the previous fiscal year.

(5) In the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful

under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report.

(c) INFORMATION NOT REQUIRED.—Each such report may exclude information relating to—

(1) exports of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States on a temporary basis;

(2) exports of such articles, services, and activities to United States Government end users located in foreign countries; and

(3) and the value of manufacturing license agreements or technical assistance agreements licensed under section 38 of the Arms Export Control Act.

[(c)**]** *(d)* AVAILABILITY ON INTERNET.—All unclassified portions of such report shall be made available to the public on the Internet through the Department of State.

SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than **[**January 31**]** *March 1* of each year, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year **[**and all such training proposed for the current fiscal year**]**.

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IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT

(Public Law 106–178)

SEC. 2. REPORTS ON PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.

(a) * * *

(b) TIMING OF REPORTS.—The reports under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, not later than 6 months after such date of enactment, and not later than the end of each **[**6-month period**]** *120-day period* thereafter.

* * * * * * *

(f) ADDITIONAL CONTENTS OF REPORTS.—Each report under subsection (a) shall contain a description, with respect the transfer or acquisition of the goods, services, or technology described in such subsection, of the actions taken by foreign governments to assist in interdicting such transfer or acquisition.

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PEACE CORPS ACT

TITLE I—THE PEACE CORPS

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PEACE CORPS VOLUNTEERS

SEC. 5. (a) The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this Act as "volunteers"). The terms and conditions of the enrollment, training *(including training under section 8B)*, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this Act and those consistent therewith which the President may prescribe; and, except as provided in this Act, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection there shall be no discrimination against any person on account of race, sex, creed, or color.

* * * * * * *

(e) Volunteers shall receive such health care *(including, if necessary, for such volunteers and for trainees, services under section 8C(c))* during their service, applicants for enrollment shall receive such health examinations preparatory to their service, applicants for enrollment who have accepted an invitation to begin a period of training under section 8(a) of this Act shall receive such immunization and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service, *including services provided in accordance with section 8C(c) (except that the six-month limitation shall not apply in the case of such services)* as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care may be provided in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act. Health care may not be provided under this subsection in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997.

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PEACE CORPS EMPLOYEES

SEC. 7. (a)(1) * * *

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(7) The limitations specified in subparagraph (A) of paragraph (2) on the length of appointment or assignment under such paragraph, subparagraph (B) of paragraph (2) on reappointment or reassignment of an individual whose appointment or assignment under such paragraph has been terminated, and paragraph (5) on the circumstances under which an appointment or assignment under paragraph (2) may exceed five years shall not apply to—

(A) the Inspector General of the Peace Corps; and

(B) officers and employees of the Office of the Inspector General of the Peace Corps.

* * * * * * *

VOLUNTEER TRAINING

SEC. 8. (a) The President shall make provision for such training*, including training under section 8B,* as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this Act applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms "volunteers" and "volunteer leaders" shall include such applicants during any such period of training.

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SAFETY AND SECURITY AGREEMENT REGARDING PEACE CORPS VOLUNTEERS SERVING IN FOREIGN COUNTRIES

SEC. 8A. (a) IN GENERAL.—Not later than six months after the date of the enactment of this section, the Director of the Peace Corps shall consult with the Assistant Secretary of State for Diplomatic Security and enter into a memorandum of understanding that specifies the duties and obligations of the Peace Corps and the Bureau of Diplomatic Security of the Department of State with respect to the protection of Peace Corps volunteers and staff members serving in foreign countries, including with respect to investigations of safety and security incidents and crimes committed against such volunteers and staff members.

(b) INSPECTOR GENERAL REVIEW.—

(1) REVIEW.—The Inspector General of the Peace Corps shall review the memorandum of understanding described in subsection (a) and be afforded the opportunity to recommend changes that advance the safety and security of Peace Corps volunteers before its entry into force.

(2) REPORT.—The Director of the Peace Corps shall consider all recommendations of the Inspector General of the Peace Corps regarding the memorandum of understanding described in subsection (a). If the Director enters into such memorandum without addressing a recommendation of the Inspector General, the Director shall submit to the Inspector General an explanation relating thereto.

(3) FAILURE TO MEET DEADLINE.—

(A) REQUIREMENT TO SUBMIT REPORT.—If, by the date that is 6 months after the date of the enactment of this section, the Director of the Peace Corps is unable to obtain agreement with the Assistant Secretary of State for Diplomatic Security and certification by the Inspector General of the Peace Corps, the Director shall submit to the committees of Congress specified in subparagraph (C) a report explaining the reasons for such failure.

(B) LIMITATION ON FUNDS.—If, by the date that is 9 months after the date of the enactment of this section, the

memorandum of understanding described in subsection (a) has not entered into force, no funds available to the Peace Corps may be obligated or expended to extend to Peace Corps volunteers invitations for service or to deploy Peace Corps trainees overseas unless the Director of the Peace Corps certifies to the committees of Congress specified in subparagraph (C) that—

(i) significant progress is being made toward finalizing such memorandum; and

(ii) the Peace Corps is using best efforts to provide volunteers with the training, support, and information they need to stay safe and secure.

(C) COMMITTEES OF CONGRESS SPECIFIED.—The committees of Congress specified in this subparagraph are the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) INCLUSION OF TRAINEES.—In this section and sections 8B through 8I, the term "volunteers" includes trainees.

SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

SEC. 8B. (a) IN GENERAL.—As part of the training provided to all volunteers under section 8(a), the Director of the Peace Corps shall develop and implement comprehensive sexual assault risk-reduction and response training that conforms to best practices in the sexual assault field as appropriate for first responders and other staff.

(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subsection (a), the Director of the Peace Corps shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

(c) SUBSEQUENT TRAINING.—Once a trainee has arrived in such trainee's country of service, the Director of the Peace Corps shall provide such trainee with training tailored to such country, including cultural training relating to gender relations, risk-reduction strategies, a safety plan in the event of an assault, treatment available in such country (such as forensic rape exams, PEP for HIV exposure, STD screening, and pregnancy testing), MedEvac procedures, and information regarding the legal process for pressing charges against an attacker.

(d) HISTORICAL ANALYSIS.—The Director of the Peace Corps shall provide each applicant for enrollment with a historical analysis of crimes and risks against volunteers in the country in which the applicant has been invited to serve.

(e) CONTACT INFORMATION.—The Director of the Peace Corps shall provide each trainee, before each such trainee enrolls as a volunteer, with—

(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting violations of the sexual assault protocol under section 8C or any other criminal or administrative wrongdoing by volunteers, personnel (including experts and consultants), or other individuals (including contractors) who do business with the Peace Corps; and

(2) clear, written guidelines regarding whom to contact, including the direct telephone number for a victim advocate and what steps to take in the event of a sexual assault.

(f) DEFINITIONS.—In this section and sections 8C through 8I:

(1) ASSAULT.—

(A) IN GENERAL.—The term "assault" means an act that—

(i) creates an apprehension in an individual of an imminent, harmful, or offensive contact; or

(ii) is a harmful or offensive touching.

(B) INCLUSION.—The term "assault" includes stalking and sexual assault.

(2) SEXUAL ASSAULT.—The term "sexual assault" means any conduct described in chapter 109A of title 18, United States Code, relating to aggravated sexual abuse, sexual abuse, and sexual contact, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

(3) STALKING.—The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

SEXUAL ASSAULT PROTOCOL AND GUIDELINES

SEC. 8C. (a) IN GENERAL.—The Director of the Peace Corps shall develop and implement comprehensive sexual assault protocol and guidelines that—

(1) conform to best practices in the sexual assault field; and

(2) are applicable to all posts at which volunteers serve.

(b) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault policy under subsection (a), the Director of the Peace Corps shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

(c) ELEMENTS.—The sexual assault protocol and guidelines developed under subsection (a) shall include, at a minimum, the following services with respect to a volunteer who has been a victim of sexual assault:

(1) Protection of such volunteer's confidentiality.

(2) Provision of a victim's advocate to such volunteer.

(3) Provision of a sexual assault forensic evidence kit to such volunteer upon request.

(4) Provision of emergency health care to such volunteer, including, to the greatest extent practicable, a choice of medical providers and a mechanism for such volunteer to evaluate such provider.

(5) Provision of counseling and psychiatric medication.

(6) Completion of a safety and treatment plan with such volunteer.

(7) Evacuation of such volunteer, accompanied by a Peace Corps staffer at the request of such volunteer.

(8) An explanation to such volunteer of available law enforcement, prosecutorial options, and legal representation.

(d) DISTRIBUTION AND TRAINING.—The Director of the Peace Corps shall distribute to and train all in-country staff regarding the sexual assault protocol and guidelines developed under subsection (a).

(e) REMOVAL AND ASSESSMENT AND EVALUATION.—

(1) IN GENERAL.—If a volunteer feels at risk of imminent bodily harm and requests removal from the site in which such volunteer is serving, the Director of the Peace Corps shall, as expeditiously as practical after receiving such request, remove such volunteer from such site. If the Director of the Peace Corps receives such a request, the Director of the Peace Corps shall assess and evaluate the safety of such site and may not assign another volunteer to such site until such time as such assessment and evaluation is complete and such site has been determined to be safe.

(2) DETERMINATION OF SITE AS UNSAFE.—Volunteers may remain at a site during an assessment and evaluation under paragraph (1). If the Director the Peace Corps determines that a site is unsafe, the Director of the Peace Corps shall, as expeditiously as practical, remove all volunteers from such site.

(f) SEXUAL ASSAULT RESPONSE TEAMS.—The Director of the Peace Corps shall establish sexual assault response teams, including Safety and Security Officers, medical staff, and a victim advocate, that can respond to reports of sexual assault against a volunteer.

(g) CASE REVIEW.—The Director of the Peace Corps shall conduct case reviews of a statistically significant number of cases on a quarterly basis to determine if proper procedures were followed in accordance with the sexual assault protocols and guidelines developed under subsection (a) and including the elements specified in subsection (c).

(h) TRACKING AND RECORDING.—The Director of the Peace Corps shall establish a global tracking and recording system to track and record incidents of assault against volunteers.

(i) PROHIBITION ON COMBINING INCIDENTS.—The Director of the Peace Corps may not combine into one incident for purposes of tracking and recording under subsection (h) reports by different volunteers of assault against such volunteers even if such assaults were committed by one individual against such volunteers at any one time.

(j) ALTERNATIVE SYSTEMS.—The Director of the Peace Corps shall establish an alternative reporting system and hotline access system through which volunteers who are victims of assault can report and receive support on an anonymous basis. Such alternative systems shall be published in the Volunteer Handbook.

VICTIMS ADVOCATES

SEC. 8D. (a) VICTIMS ADVOCATES.—

(1) IN GENERAL.—The Director of the Peace Corps shall assign a certified victims advocate in Peace Corps headquarters who shall report directly to the Director. The Director of the Peace Corps shall assign such additional certified victims advocates to assist such victims advocate as the Director determines

necessary. Such additional victims advocates shall have regional expertise and may be posted abroad if such victims advocate determines that such is necessary.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Peace Corps should assign three additional certified victims advocates to assist the certified victims advocate under paragraph (1).

(3) PROHIBITION.—Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victims advocates. The victims advocate and additional victims advocates may not have any other duties in the Peace Corps.

(4) EXEMPTION.—The victims advocate and additional victims advocates shall be exempt from the five year rule on appointments and assignments under section 7.

(b) RESPONSIBILITIES.—The victims advocate and additional victims advocates shall help develop and implement the sexual assault risk-reduction and response training described in section 8B and the sexual assault protocol and guidelines described in section 8C and ensure such training and such protocol and guidelines are being properly updated and followed. The victims advocate and additional victims advocates shall assist volunteers who are victims of assault by making such victims aware of the services specified in section 8C(c) available to them and facilitating their access to such services.

(c) STATUS UPDATES.—The victims advocate and additional victims advocates shall provide to volunteers who are victims of assault regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

(d) TRANSITION.—A victims advocate who is working with a volunteer who is a victim of assault and who relocates back to the United States shall assist such volunteer to receive the services specified in section 8C(c) required by such volunteer, including through the duration of the claim with the Department of Labor, even after such volunteer is medically separated.

ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL

SEC. 8E. (a) ESTABLISHMENT.—There is established in the Peace Corps a Sexual Assault Advisory Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—The Council shall be composed of individuals selected by the Director of the Peace Corps who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field.

(c) FUNCTIONS; MEETINGS.—The Council shall meet not less often than annually to review the sexual assault risk-reduction and response training developed under section 8B, sexual assault policy developed under section 8C, and the confidentiality policy developed under section 8G to ensure that such training and policies conform to best practices in the sexual assault field.

(d) REPORTS.—The Council shall annually submit to the Director of the Peace Corps and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and Committee on Foreign Relations and the Committee on Appro-

priations of the Senate a report on its findings based on the reviews conducted pursuant to subsection (c).

(e) FEDERAL EMPLOYEES.—Members of the Council shall not be considered Federal employees for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW

SEC. 8F. (a) MONITORING AND EVALUATION.—Not later than one year after the date of the enactment of this section, the Director of the Peace Corps shall establish goals, metrics, and monitoring and evaluation plans for all Peace Corps programs and Country Directors. Monitoring and evaluation plans shall incorporate best practices from monitoring and evaluation studies and analyses.

(b) ANNUAL VOLUNTEER SURVEYS.—The Director of the Peace Corps shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers.

(c) PEACE CORPS INSPECTOR GENERAL.—The Inspector General of the Peace Corps shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and Committee on Foreign Relations and the Committee on Appropriations of the Senate the following:

(1) A biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports.

(2) A report, not later than two years after the date of the enactment of this section and every five years thereafter, evaluating the effectiveness and implementation of the assault risk-reduction and response training developed under section 8B and the sexual assault protocol and guidelines developed under section 8C.

(3) A trend analysis every three years of the annual volunteer surveys, including actions taken in response to such surveys.

(4) A report, not later than two years after the date of the enactment of this section, describing how Country Directors are hired, how Country Directors are terminated, and how Country Directors hire staff.

(d) EVALUATION DEFINED.—For purposes of this section, the term "evaluation" means the systematic collection and analysis of information about the characteristics and outcomes of programs and projects as a basis for judgments, to improve effectiveness, or inform decisions about current and future programming.

NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION

SEC. 8G. (a) IN GENERAL.—The Director of the Peace Corps shall establish and maintain a process to allow volunteers to report incidents of assault, incidents of misconduct or mismanagement, or violations of any policy of the Peace Corps in order to protect the confidentiality as described in subsection (c) and safety of such vol-

unteers and of the information reported, and to ensure that such information is acted on appropriately. The Director of the Peace Corps shall train all volunteers and staff about such process.

(b) GUIDANCE.—The Director of the Peace Corps shall provide guidance to officers and employees of the Peace Corps who have access to the information reported by volunteers under subsection (a) in order to protect against the inappropriate disclosure of such information and ensure the safety of such volunteers.

(c) NONDISCLOSURE.—

(1) IN GENERAL.—Except as provided in paragraphs (1) and (2), the Director of the Peace Corps may not—

(A) disclose any personally identifying information or personal information of a volunteer who is a victim of assault collected in connection with services requested, utilized, or denied through Peace Corps programs; or

(B) reveal such information without the informed, purpose-limited, and reasonably time-limited consent of such volunteer about whom such information is sought.

(2) RELEASE.—If the release of information described in paragraph (1) is authorized by statute or compelled by court order, the Director of the Peace Corps shall—

(A) make reasonable attempts to provide notice to the volunteer with respect to whom such information is being released; and

(B) take such action as is necessary to protect the privacy and safety of such volunteer.

(3) INFORMATION SHARING.—The Director of the Peace Corps may share—

(A) nonpersonally identifying information in the aggregate regarding services to volunteers and nonpersonally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements;

(B) nonpersonally identifying information that would protect the safety of volunteers;

(C) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

(D) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(d) DEFINITION.—In this section, the terms "personally identifying information" and "personal information" mean information for or about a volunteer who is a victim of assault, including information likely to disclose the location of such victim, including the following:

(1) A first and last name.

(2) A home or other physical address.

(3) Contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number).

(4) A social security number.

(5) Any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with paragraphs (1) through (4), would serve to identify such victim.

REPORTING REQUIREMENTS

SEC. 8H. (a) ASSAULT AND SEXUAL ASSAULT.—The Director of the Peace Corps shall annually submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report summarizing information on—

(1) sexual assault against volunteers;

(2) assault against volunteers; and

(3) the annual rate of early termination of volunteers, including, to the maximum extent practicable, demographic data associated with such early termination.

(b) GAO.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report evaluating the quality and accessibility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

(c) SAFETY AND SECURITY.—

(1) IN GENERAL.—The Director of the Peace Corps shall annually submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the safety of Peace Corps volunteers. Each such report shall at a minimum include the following information:

(A) The incidence of crimes, together with the number of arrests, prosecutions, and incarcerations for every country in which volunteers serve for the preceding year.

(B) A three year trend analysis of the types and frequency of crimes committed against volunteers for every country in which the Peace Corps has operated for at least the three preceding years.

(2) INSPECTOR GENERAL AUDIT.—Not later than two years after the date of the enactment of this section and at least once every five years thereafter (or more frequently as appropriate), the Inspector General of the Peace Corps shall perform an audit of Peace Corps implementation of safety and security protocols, including the status of any Inspector General findings and recommendations from previous audits that have not been adequately remediated or implemented.

(d) ACCESS TO COMMUNICATIONS.—

(1) IN GENERAL.—The Director of the Peace Corps, in coordination with all Country Directors, shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

(2) REPORT.—Not later than six months after the date of the enactment of this section, the Director of the Peace Corps shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the costs of providing all

volunteers with access to adequate communication, including cellular service and Internet access.

(e) MONITORING AND EVALUATION.—Not later than one year after the date of the enactment of this section and annually thereafter, the Director of the Peace Corps shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the monitoring and evaluation of Peace Corps programs and Country Directors, including information on the following:

(1) A description of the monitoring and evaluation activities conducted in the preceding year.

(2) A forecast of the monitoring and evaluation activities planned for the subsequent year.

(3) A description of the ways in which the results of the monitoring and evaluation activities have informed the design and operation of development policies and programs during the preceding year.

PORTFOLIO REVIEWS

SEC. 8I. (a) IN GENERAL.—The Director of the Peace Corps shall, at least once every three years (or more frequently as appropriate), perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

(1) An evaluation of the country's commitment to the Peace Corps program.

(2) An analysis of the safety and security of volunteers.

(3) An evaluation of the country's need for assistance.

(4) An analysis of country program costs

(5) An evaluation of the effectiveness of management of each post within the country.

(6) An evaluation of the country's congruence with the Peace Corps' mission and strategic priorities.

(b) REPORT.—The Director of the Peace Corps shall prepare a report on each portfolio review required under subsection (a). Each such report shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of the Inspector General of the Peace Corps, and any external sources) in making each such review's findings and conclusions. The Director shall make each such report available upon request to the Chairman and Ranking Member of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in a manner consistent with the protection of classified information if determined necessary to protect sensitive information.

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SECTION 606 OF THE MILLENNIUM CHALLENGE ACT OF 2003

SEC. 606. CANDIDATE COUNTRIES.

(a) * * *

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(c) MAINTAINING CANDIDATE STATUS.—Any candidate country whose per capita income changes in a given fiscal year such that the country's income-classification as "low income" or "lower middle income" changes, should retain its candidacy at the former income category only for the year of such transition.

[(c)] *(d)* IDENTIFICATION BY THE BOARD.—The Board shall identify whether a country is a candidate country for purposes of this section.

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SECURITY ASSISTANCE ACT OF 2000

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TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

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Subtitle B—Allocations for Certain Countries

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SEC. 513. ASSISTANCE FOR ISRAEL.

(a) * * *

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(c) FMF PROGRAM.—

(1) IN GENERAL.—Of the amount made available for [each of the fiscal years 2002 and 2003] *fiscal year 2012* for assistance under the Foreign Military Financing Program, the amount specified in paragraph (2) for [each such fiscal year] *such fiscal year* is authorized to be made available on a grant basis for Israel.

* * * * * * *

(3) DISBURSEMENT OF FUNDS.—[Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal years 2002 and 2003 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2002, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2003, or October 31 of the re-

spective fiscal year, whichever is later.] *Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal year 2012 shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2012, or October 31, 2011, whichever is later.*

(4) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests that funds be used for such purposes, grants made available for Israel out of funds authorized to be available under paragraph (1) for Israel for [fiscal years 2002 and 2003] *fiscal year 2012* shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than [$535,000,000 for fiscal year 2002 and not less than $550,000,000 for fiscal year 2003] *$3,075,000,000 for fiscal year 2012* shall be available for the procurement in Israel of defense articles and defense services, including research and development.

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ARMS EXPORT CONTROL ACT

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Chapter 2.—FOREIGN MILITARY SALES AUTHORIZATIONS

SEC. 21. SALES FROM STOCKS.—(a) * * *

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(m) RETURN OF DEFENSE ARTICLES.—

(1) IN GENERAL.—The President may accept the return of a defense article from a foreign country or international organization if such defense article—

(A) * * *

(B) is not significant military equipment (as defined in section 47(9) of this Act*), unless the Secretary of State has provided prior approval of such retransfer*; and

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SEC. 23. CREDIT SALES.—(a) * * *

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(i) REPORT.—

(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees as part of the supporting materials of the annual congressional budget justification a report on the implementation of this section for the prior fiscal year.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include a description of the following:

(A) The extent to which the use of the authority of this section is based on a well-formulated and realistic assess-

ments of the capability requirements of foreign countries and international organizations.

(B) The extent to which the provision of grants under the authority of this section are consistent with United States conventional arms transfer policy.

(C) The extent to which the Department of State has developed and implemented specific plans to monitor and evaluate outcomes under the authority of this section, including at least one country or international organization assessment each fiscal year.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

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SEC. 25. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.—(a) Except as provided in subsection (d) of this section, no later than February 1 of each year, the President shall transmit to the appropriate congressional committees, as a part of the annual presentation materials for security assistance programs proposed for the next fiscal year, a report which sets forth—

(1) an Arms Sales Proposal covering all sales and licensed commercial exports under this Act, as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act, of major weapons or weapons-related defense equipment for $7,000,000 or more, or of any other weapons or weapons-related defense equipment for $25,000,000 or more, which are considered eligible for approval during the current calendar year**[**, together with an indication of which sales and licensed commercial exports**]** *and* are deemed most likely actually to result in the issuance of a letter of offer or of an export license during such year;

* * * * * * *

(3) the United States national security considerations involved in expected sales or licensed commercial exports to each country, an analysis of the relationship between anticipated sales to each country and arms control efforts concerning such country and an analysis of the impact of such anticipated sales on the stability of the region that includes such country*, as well as any plan for regional security cooperation developed in consultation with Embassy Country Teams and the Department of State*;

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Chapter 3.—MILITARY EXPORT CONTROLS

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SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) * * *

(b)(1) Subject to paragraph (6), in the case of any letter of offer to sell any defense articles or services under this Act for [$50,000,000] *$100,000,000* or more, any design and construction services for [$200,000,000] *$300,000,000* or more, or any major defense equipment for [$14,000,000] *$25,000,000* or more, before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a), or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a), and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services proposed to be sold, and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. Each such numbered certification shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification). In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

(A) * * *

* * * * * * *

A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (ii) and the details of the description specified in clause (iii) of subsection (a) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information. [The letter of offer shall not be issued, with respect to a proposed sale to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if the Congress, within fifteen calendar days after receiving such certification, or with respect to a proposed sale to any other country or organization, if the Congress within thirty calendar days after receiving such certification, enacts a joint resolution]

(2) The letter of offer shall not be issued—

(A) with respect to a proposed sale of any defense articles or defense services under this Act for $300,000,000 or more, any

design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $100,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution prohibiting the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States. If the President states in his certification that an emergency exists which requires the proposed sale in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.

[(2)**]** *(3)* Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that for purposes of consideration of any joint resolution with respect to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, the Republic of Korea, Israel, or New Zealand, it shall be in order in the Senate to move to discharge a committee to which such joint resolution was referred if such committee has not reported such joint resolution at the end of five calendar days after its introduction.

[(3)**]** *(4)* For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

[(4)**]** *(5)* In addition to the other information required to be contained in a certification submitted to the Congress under this subsection, each such certification shall cite any quarterly report submitted pursuant to section 28 of this Act which listed a price and availability estimate, or a request for the issuance of a letter of offer, which was a basis for the proposed sale which is the subject of such certification.

[(5)**]** *(6)*(A) * * *

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(C) **[**Subject to paragraph (6), if**]** *If* the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection costs $14,000,000 or more in the case of any major defense equipment, $50,000,000 or more in the case of defense articles or defense services, or $200,000,000 or more in the case of design or construction services, then the President shall

submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

* * * * * * *

[(6) The limitation in paragraph (1) and the requirement in paragraph (5)(C) shall apply in the case of a letter of offer to sell to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea, Israel, or New Zealand that does not authorize a new sales territory that includes any country other than such countries only if the letter of offer involves—

[(A) the sale of major defense equipment under this Act for, or the enhancement or upgrade of major defense equipment at a cost of, $25,000,000 or more, as the case may be; and

[(B) the sale of defense articles or services for, or the enhancement or upgrade of defense articles or services at a cost of, $100,000,000 or more, as the case may be; or

[(C) the sale of design and construction services for, or the enhancement or upgrade of design and construction services at a cost of, $300,000,000 or more, as the case may be.**]**

(c)(1) **[**Subject to paragraph (5), in**]** *In* the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export of any major defense equipment sold under a contract in the amount of **[**$14,000,000**]** *$25,000,000* or more or of defense articles or defense services sold under a contract in the amount of **[**$50,000,000**]** *$100,000,000* or more (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more), before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export and a description of any such offset agreement. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in con-

sultation with the Secretary of Defense. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information.

(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

(A) in the case of a license for an export *of any major defense equipment sold under a contract in the amount of $75,000,000 or more or of defense articles or defense services sold under a contract in the amount of $200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)* to the North Atlantic Treaty ⟦Organization,⟧ *Organization (NATO),* any member country of ⟦that Organization⟧ *NATO* or Australia, Japan, the Republic of Korea, Israel, or New Zealand, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export;

* * * * * * *

(C) in the case of any other license *for an export of any major defense equipment sold under a contract in the amount of $50,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)*, shall not be issued until at least 30 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export.

* * * * * * *

(4) The provisions of ⟦subsection (b)(5)⟧ *subsection (b)(6)* shall apply to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to paragraph (1) in the same manner and to the same extent as that subsection applies to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to subsection (b)(1). For purposes of such application, any reference in ⟦subsection (b)(5)⟧ *subsection (b)(6)* to "a letter of offer" or "an offer" shall be deemed to be a reference to "a contract".

[(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea, Israel, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license set forth in paragraph (1) shall apply only if the license is for export of—

[(A) major defense equipment sold under a contract in the amount of $25,000,000 or more; or

[(B) defense articles or defense services sold under a contract in the amount of $100,000,000 or more.]

[(6)] *(5)* The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent an exemption granted under section 38(j)(1) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.

* * * * * * *

(h) CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.—

(1) IN GENERAL.—Any certification relating to a proposed sale or export of defense articles or defense services under this section to any country in the Middle East other than Israel shall include [a determination] *an unclassified determination* that the sale or export of the defense articles or defense services will not adversely affect Israel's qualitative military edge over military threats to Israel.

* * * * * * *

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a) * * * (b)(1) * * *

* * * * * * *

[(3)(A) For each of the fiscal years 1988 and 1989, $250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

[(i) contract personnel to assist in the evaluation of munitions control license applications, reduce processing time for license applications, and improve monitoring of compliance with the terms of licenses; and

[(ii) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.]

(3)(A) For each fiscal year, 100 percent of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

(i) management;
(ii) licensing;
(iii) compliance;
(iv) policy activities; and
(v) public outreach.

[(c) Any person who willfully violates any provision of this section, section 39, a treaty referred to in subsection (j)(1)(C)(i), or any rule or regulation issued under this section or section 39, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined for each violation not more than $1,000,000, or imprisoned not more than 20 years, or both.]

(c) VIOLATIONS OF THIS SECTION AND SECTION 39.—

(1) UNLAWFUL ACTS.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or a treaty referred to in subsection (j)(1)(c)(i), including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(c)(i) or an implementing arrangement pursuant to such a treaty, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

(2) CRIMINAL PENALTIES.—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

(A) be fined for each violation in an amount not to exceed $1,000,000, or

(B) in the case of a natural person, imprisoned for not more than 20 years or both.

* * * * * * *

(g)(1) The President shall develop appropriate mechanisms to identify, in connection with the export licensing process under this section—

(A) persons who are the subject of an indictment *or otherwise charged* for, or have been convicted of, a violation under—

(i) * * *

* * * * * * *

(xi) section 603 (b) or (c) of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5113 (b) and (c)); [or]

* * * * * * *

(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements;

(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States;

(xv) section 1831 of title 18, United States Code, relating to economic espionage;

(xvi) section 545 of title 18, United States Code, relating to smuggling goods into the United States;

(xvii) section 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–3), relating to prohibited foreign trade practices by persons other than issuers or domestic concerns;

(xviii) section 2339B of title 18, United States Code, relating to providing material support or resources to dedicated foreign terrorist organizations; or

(xix) sections 2339C and 2339D of title 18, United States Code, relating to financing terrorism and receiving terrorism training;

(B) persons who are the subject of an indictment *or otherwise charged* or have been convicted under section 371 of title 18, United States Code, for conspiracy to violate any of the statutes cited in subparagraph (A); and

* * * * * * *

(3) If the President determines—

(A) that an applicant for a license to export under this section is the subject of an indictment *or otherwise charged* for a violation of any of the statutes cited in paragraph (1),

* * * * * * *

(k) CONGRESSIONAL NOTIFICATION.—The President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of regulations or amendments to regulations issued to carry out this section at least 30 days before publication of the regulations or amendments in the Federal Register unless, after consulting with such Committees, the President determines that there is an emergency that requires a shorter period of time.

* * * * * * *

SEC. 40. TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

(a) * * *

* * * * * * *

(d) COUNTRIES COVERED BY PROHIBITION.—The prohibitions contained in this section apply with respect to a country *or to the nationals of that country whose substantive contacts with that country give reasonable grounds for raising risk of diversion, regardless of whether such persons maintain such nationality or the nationality of another country not covered by this section* if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism. For purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups, willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material, or willfully aid or abet the efforts of an individual or group to use, develop, produce, stockpile, or otherwise acquire chemical, biological, or radiological weapons. *For purposes of this subsection, the term "national" means an individual who acquired citizenship by birth from a country that is sub-*

ject to section 126.1 of title 22, Code of Federal Regulations (or any successor regulations).

* * * * * * *

(h) [EXEMPTION] *EXEMPTIONS* FOR TRANSACTIONS SUBJECT TO NATIONAL SECURITY ACT REPORTING REQUIREMENTS *AND CERTAIN FEDERAL LAW ENFORCEMENT ACTIVITIES*.—The prohibitions contained in this section do not apply with respect to any transaction subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities) *or with respect to Federal law enforcement activities undertaken to further the investigation of violations of this Act*.

* * * * * * *

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

* * * * * * *

TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

* * * * * * *

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this title and to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), up to $1,500,000,000 for each of the fiscal years [2010] *2012* through 2014.

(b) [AVAILABILITY OF FUNDS.—

[(1) IN GENERAL.—Of the amounts] *AVAILABILITY OF FUNDS.—Of the amounts* appropriated in each fiscal year pursuant to the authorization of appropriations in [subsection (a)—

[(A) none of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after the date of the enactment of this Act unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 301(a); and

[(B) not more than $750,000,000 may be made available for assistance to Pakistan unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during such fiscal year—

[(i) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to

Pakistan contained in the Pakistan Assistance Strategy Report; and

[(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

[(2) MAKER OF CERTIFICATION.—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification and memorandum described under paragraph (1)(B) may be made by the Secretary of State.] *subsection (a), none of the amounts appropriated for assistance to Pakistan may be made available for assistance to Pakistan unless the Secretary of State submits to the appropriate congressional committees during such fiscal year—*

(1) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making measurable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report and a memorandum explaining the reasons justifying the certification; and

(2) the certification required under section 203(c).

[(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to do so.

[(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.]

* * * * * * *

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

* * * * * * *

SEC. 203. LIMITATIONS ON CERTAIN ASSISTANCE.

(a) LIMITATION ON SECURITY-RELATED ASSISTANCE.—For fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State[, under the direction of the President,], *in consultation with the Secretary of Defense and the Director of National Intelligence,* makes the certification required under subsection (c) for such fiscal year.

(b) LIMITATION ON ARMS TRANSFERS.—For fiscal years 2012 through 2014, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State[, under the direction of the President,], *in consultation with the Secretary of Defense and the Director of National Intelligence,* makes the certification required under subsection (c) for such fiscal year.

(c) CERTIFICATION.—The certification required by this subsection is a certification by the Secretary of State[, under the direction of the President,], *in consultation with the Secretary of Defense and the Director of National Intelligence,* to the appropriate congressional committees that—

(1) * * *

(2) the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making [significant efforts towards] *demonstrable progress in* combating terrorist groups, consistent with the purposes of assistance described in section 201, including [taking into account] the extent to which the Government of Pakistan [has made progress on matters such as]—

(A) is fully assisting the United States with investigating the existence of an official or unofficial support network in Pakistan for Osama Bin Laden, including by providing the United States with direct access to Osama Bin Laden's relatives in Pakistan and to Osama Bin Laden's former compound in Abottabad and any materials therein;

(B) is facilitating the issuance of entry and exit visas for official United States visitors engaged in counterterrorism efforts and training or other cooperative programs and projects in Pakistan;

[(A)] *(C) is* ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

[(B)] *(D) is* preventing al Qaeda, the Taliban and associated terrorist groups, such as *the Haqqani Network,* Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets *and eliminating improvised explosive device (IED) networks*; [and]

[(C)] *(E) is* strengthening *and fully implementing* counterterrorism and anti-money laundering laws; and

(F) is using defense articles and defense services provided by the United States under the Foreign Military Sales program according to the end-use purposes, security requirements, and other terms and conditions agreed to by the United States at the time of transfer or by subsequent agreement; and

* * * * * * *

[(e) WAIVER.—

[(1) In general.—The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

[(2) PRIOR NOTICE OF WAIVER.—The Secretary of State, under the direction of the President, may not exercise the authority of paragraph (1) until 7 days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue to waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.]

[(f)] *(e)* APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, [the Committee on Oversight and Government Reform,] and the Permanent Select Committee on Intelligence of the House of Representatives; and

* * * * * * *

TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

SEC. 301. STRATEGY REPORTS.

(a) PAKISTAN ASSISTANCE STRATEGY REPORT.—[Not later than 45 days after the date of enactment of this Act] *For each of the fiscal years 2012, 2013, and 2014*, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this Act. The report shall include the following:

(1) A description of *United States strategic objectives in Pakistan and* the principal objectives of United States assistance to Pakistan to be provided under title I of this Act.

(2) A [general] description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.

(3) [A plan for] *A description of implementation of* program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act.

* * * * * * *

[(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.]

(7) Progress toward creating a searchable Internet database and other public communications strategies that will provide the people of the United States and the people of Pakistan with updated and accurate information on proposed spending plans, disbursements of assistance, and results achieved using funds authorized under title I of this Act.

(8) Progress toward meeting the recommendations of audits, reviews, and investigations completed by the General Accountability Office and by the Office of Inspector General of the United States Agency for International Development, the Department of State, and the Department of Defense.

(9) A description of how the Administration is incorporating support for private sector development and enhanced trade opportunities as part of the foreign assistance approach to Pakistan.

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CHILD SOLDIERS PREVENTION ACT OF 2008

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TITLE IV—CHILD SOLDIERS PREVENTION

* * * * * * *

SEC. 404. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the authorities contained in [section 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j or 2347)] *section 516, 541, or 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j, 2347, or 2348)* or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be used to provide assistance to, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b), for the most recent year preceding the fiscal year in which the authorities or license would have been used or issued in the absence of a violation of this title, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit and use child soldiers.

* * * * * * *

[(c) NATIONAL INTEREST WAIVER.—

[(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

[(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver and the justification for granting such waiver.]

(c) NATIONAL INTEREST WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if—

(1) the President determines that such waiver is in the national interest of the United States; and

(2) the President provides to the appropriate congressional committees at least 15 days in advance of exercising the waiver a justification for granting such a waiver, including a certification that the government of the country has taken credible and verifiable steps to implement a plan of action to end the re-

cruitment and use of child soldiers, including the demobilization of child soldiers.

* * * * * * *

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST ACT OF 1960

[CHAPTER VII—CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

[SEC. 701. This chapter may be cited as the "Center for Cultural and Technical Interchange Between East and West Act of 1960".

[SEC. 702. The purpose of this chapter is to promote better relations and understanding between the United States and the nations of Asia and the Pacific (hereinafter referred to as "the East") through cooperative study, training, and research, by establishing in Hawaii a Center for Cultural and Technical Interchange Between East and West where scholars and students in various fields from the nations of the East and West may study, give and receive training, exchange ideas and views, and conduct other activities primarily in support of the objectives of the United States Information and Educational Exchange Act of 1948, as amended, title III of chapter II of the Mutual Security Act of 1954, and other Acts promoting the international, educational, cultural, and related activities of the United States.

[SEC. 703. In order to carry out the purpose of this chapter the Secretary of State (hereinafter referred to as the "Secretary") shall provide for—

[(1) the establishment and operation in Hawaii of an educational institution to be known as the Center for Cultural and Technical Interchange Between East and West, through arrangements with public, educational, or other nonprofit institutions;

[(2) grants, fellowships, and other payments to outstanding scholars and authorities from the nations of the East and West as may be necessary to attract such scholars and authorities to the Center;

[(3) grants, scholarships, and other payments to qualified students from the nations of the East and West as may be necessary to enable such students to engage in study or training at the Center; and

[(4) making the facilities of the Center available for study or training to other qualified persons.

[SEC. 704. (a) In carrying out the provisions of this chapter, the Secretary may utilize his authority under the provisions of the United States Information and Educational Exchange Act of 1948, as amended.

[(b) The Secretary may, in administering the provisions of this chapter, accept from public and private sources money and property to be utilized in carrying out the purposes and functions of the Center. In utilizing any gifts, bequests, or devises accepted there shall be available to the Secretary the same authorities as are

available to him in accepting and utilizing gifts, bequests, and devises to the Foreign Service Institute der the provisions of section 25 of the State Department Basic Authorities Act of 1956. For the purposes of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary under the authority of this chapter shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

[(c) The Director of the United States Information Agency shall make periodic reports, as he deems necessary, to the Congress with respect to his activities under the provisions of this chapter, and such reports shall include any recommendations for needed revisions in this chapter.

[SEC. 705. There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the provisions of this chapter.]

SECTION 202 OF THE UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

SEC. 202. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA.

(a) * * *

* * * * * * *

(d) UNITED STATES FINANCIAL PARTICIPATION.—

(1) * * *

* * * * * * *

(5) WITHHOLDING FUNDS.—Notwithstanding any other provision of this Act, 20 percent of the amounts appropriated pursuant to this Act for a contribution to support the Global Fund for each of the fiscal years 2010 through 2013 shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the appropriate congressional committees that the Global Fund—

(A) * * *

* * * * * * *

(C) has adopted, and is implementing, a policy to publish on a publicly available Web site—

(i) * * *

[(ii) all reports of the Inspector General of the Global Fund, in a manner that is consistent with the Policy for Disclosure of Reports of the Inspector General, approved at the 16th Meeting of the Board of the Global Fund;]

(ii) all reports of the Inspector General of the Global Fund, without editing, restriction, or limitation, and in a manner that is consistent with the Policy for Disclosure of Reports of the Inspector General, approved at the 16th Meeting of the Board of the Global Fund, including a certification that no changes have been made to the Policy that would restrict the Inspector General's ability to disclose the results of his or her work and the

discretion and authority of the Inspector General in executing the functions of the Office has not been limited, reduced, or minimized;

* * * * * * *

(iv) reports from Board committees [to the Board] *to the Board, including Office of the Inspector General Progress Reports*; and

* * * * * * *

[(D) is maintaining an independent, well-staffed Office of the Inspector General that—

[(i) reports directly to the Board of the Global Fund; and

[(ii) compiles regular, publicly published audits of financial, programmatic, and reporting aspects of the Global Fund, its grantees, and LFAs;]

(D) is maintaining a fully independent, well-staffed, and sufficiently resourced Office of the Inspector General that—

(i) reports directly to the Chair of the Board of the Global Fund;

(ii) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, contractors, suppliers, and LFAs;

(iii) documents incidents of harassment, undue pressure, and interference in its work and evidence of reprisal or retaliation, so that appropriate corrective action may be taken; and

(iv) maintains a robust mandate to conduct in-depth investigations and programmatic audits, free from undue restriction, interference, harassment, and efforts to undermine its authority;

* * * * * * *

DISSENTING VIEWS

Introduction

In these difficult economic times, it is critical that every taxpayer dollar is spent wisely. We strongly support thorough oversight of our civilian foreign affairs agencies, and efforts to make our foreign assistance programs more efficient and effective. And we appreciate the Majority's desire to pass a Foreign Relations Authorization bill, which is one of the most important responsibilities of this Committee.

Regrettably, the piece of legislation that was introduced and then emerged from the markup is fundamentally flawed. In many ways, it would severely undermine U.S. national security and foreign policy interests around the world. By embracing this reckless and irresponsible agenda, the Republican majority sends a clear message to America's friends and foes that the United States is intent on abdicating our role as the world's leading power.

As our nation's top military leaders have said repeatedly, diplomacy and development—along with defense—are the key pillars of our national security strategy. In testimony before the Senate Budget Committee last year, Secretary of Defense Gates noted that "the work performed by diplomatic and development professionals helps build the foundation for more stable, democratic and prosperous societies. These are places where the potential for conflict can be minimized, if not completely avoided, by State and USAID programs—thereby lowering the likely need for deployment of U.S. military assets." By taking a machete to two of the three legs of that national security stool—without any regard for or understanding of the consequences—the Majority is undermining our ability to respond to crises, promote stability, and pursue a wide range of U.S. interests. This will inevitably result in excessive reliance on the military, and end up costing us much more in the long run.

Deeply Flawed Process Undermines Credibility of Legislation

The Minority first received a draft of the legislation on July 6, only one week before the proposed markup date. While the Majority ultimately decided to delay the markup by a week, two weeks was simply not sufficient to review and vet a bill of this complexity, especially when the text underwent numerous changes in the days leading up to markup. Most troubling, a very controversial title on foreign assistance—including the most extreme version of the Global Gag Rule—were added only four nights before the markup.

By contrast, when this committee last marked up a State Department Authorization bill two years ago, the Republican minority received a draft text two full months before the markup, and the bill was introduced two weeks before committee consideration. Traditionally, State Department authorization and foreign assistance au-

thorization measures have been considered separately by this committee.

As a result of the rushed schedule, which did not provide adequate time for either side to carefully consider the added foreign assistance title, there was unnecessary confusion over funding levels, and a number of important accounts were omitted altogether. For instance, the Majority neglected to provide funding for International Narcotics Control and Law Enforcement, as well as Nonproliferation, Antiterrorism, Demining and Related Programs, both of which had to be added at markup, through successful amendments offered by Rep. Deutch. The text of the bill clearly provides funding for Refugee and Migration Assistance as part of Title I, yet the Majority later claimed that it had intended for such funding to be included under the heading, "Bilateral Economic Assistance." That heading, which is never defined and has different meanings in the President's budget and in annual appropriations measures, is contained in Title IX.

Most disturbingly, the bill leaves out funding for voluntary contributions to the United Nations, an account for which the President requested $348.7 million in FY 2012. These contributions support the activities of organizations such as UNICEF, the U.N. Office for the Coordination of Humanitarian Affairs, the U.N. Voluntary Fund for Victims of Torture, the U.N. Democracy Fund, the U.N. Population Fund, and the U.N. Development Fund, each of which advances U.S. foreign policy goals and national interests. Given that the Chairman has proposed converting all assessed U.N. contributions into voluntary ones, we are surprised that no funding is included for such voluntary contributions.

During the markup, the Majority accepted a number of non-controversial Democratic amendments. However, many other Democratic amendments, including those addressing some of the key issues in the legislation, were rejected.

As a result of the deeply flawed process, which left little room for negotiation and compromise, what could have been a responsible, collaborative effort to provide funding and guidance for U.S. international leadership turned into a partisan and ideological battle, and in the end no Democrats voted for the bill.

Indiscriminate Cuts are Counterproductive and Cede Power to the Executive Branch

Two provisions of the bill stand out as egregious examples of ill-considered, internally-contradictory and self-destructive requirements. By mandating blanket aid restrictions without knowing which countries would be cut off, the types of assistance affected, or the competing interests that should be weighed, these provisions represent an abdication of Congressional oversight responsibilities and threaten our national interests.

The first such provision, section 921, prohibits all forms of economic and development assistance to the government of any country that does not pass the Millennium Challenge Corporation's (MCC) "control of corruption" indicator. Since the indicator is a median, each year half the countries pass and half the countries fail. That means the United States would be forced to cut off aid to half of the world's poorest countries in any given year. Not only would

we be effectively be abandoning the poorest and most vulnerable people, but we'd be setting up the possibility for the kind of on-again, off-again assistance programs that are internationally recognized as wasteful and ineffective. Moreover, since the indicators don't reflect the current circumstances, but instead what was happening one or two years ago when the data was collected and analyzed, a provision like this would hobble America's ability to respond quickly to changing situations and new opportunities on the ground—such as the famine in Somalia or the restoration of democratic rule in Cote d'Ivoire.

It's impossible to know which countries would be cut off next year by this reckless provision, but in 2011 it would have included Afghanistan, Armenia, Congo, Cote d'Ivoire, Egypt, Haiti, Honduras, Indonesia, Kenya, Kosovo, Kyrgyzstan, Pakistan, and many others. Many of the Members who supported this provision have urged funding for these very same countries.

Republicans would deny responsibility for these extreme cuts by pointing to the Presidential waiver that is provided. However, not only is a national security waiver a very high bar that probably couldn't be met in many circumstances, but it cedes to the Executive Branch the decision about whether to exercise it. This is a decision that Congress ought to make and exactly the type of guidance this bill should provide.

Moreover, the evaluation of country performance would be left effectively to the author of the "control of corruption" indicator: The World Bank, which was not previously known to us as an institution that Republicans are willing to trust without verifying. The World Bank describes its own indicator as "unavoidably imprecise," yet differentiations that may well be within the margin of error could decide whether a country receives assistance or is completely cut off. It is one thing to use this indicator as one among many to determine which countries deserve special consideration for assistance through the Millennium Challenge Corporation, and quite another to use it as the sole criterion for receiving any assistance at all.

Make no mistake: Humanitarian, economic, diplomatic, and national security interests will be put at risk. Under this irresponsible provision, 15 different line-item accounts would likely be affected: Global health and child survival, development assistance, international disaster assistance, transition initiatives, emergency crises fund, development credit authority, economic support fund, assistance for Europe, Eurasia and Central Asia, migration and refugee assistance, emergency refugee and migration assistance, the Peace Corps, the Millennium Challenge Account, the Inter-American Foundation, and the African Development Foundation.

Republicans also argue that this provision only prohibits aid to foreign governments, not to non-governmental organizations (NGOs). This argument reflects a startling ignorance about how foreign assistance actually works. It is very difficult to meet basic human needs or respond to humanitarian emergencies without working with a foreign government. If the United States trains teachers, the teachers are paid by the government. That means assistance to the government, even if it is provided through an NGO. In most countries, health clinics and doctors are paid by the gov-

ernment. So the United States would be prohibited from funding AIDS clinics, preventing infant mortality, or providing clean water and sanitation in urban slums, even if U.S. Government personnel worked through an NGO.

Furthermore, when the United States does provide cash to foreign governments, it is mostly in the form of project support to specific ministries, and we put in place strict audit, accounting and monitoring controls to ensure that funds are used for the intended purposes. The whole idea is to build the capacity of developing countries to meet the needs of their own people, so that we can eventually stop providing foreign aid. And in countries like Afghanistan, building the capacity of the government is absolutely essential to bringing our troops home. Prohibiting aid to the government will only prolong U.S. military involvement, and increase the cost to American taxpayers.

Despite these obvious reasons that section 921 is contrary to our national security interests, an amendment offered by Rep. Schwartz to strike the section was defeated by a vote of 13–23.

The second blanket aid restriction was added through an amendment offered by Rep. Duncan, adopted on a party-line vote, to prohibit all forms of economic and development assistance to the government of any country that does not vote with the United States more than 50 percent of the time at the United Nations.

Presumably the purpose of this amendment is to try to influence the vast majority of developing countries that often don't agree with us. But this reckless provision would harm United States interests in numerous respects.

First, it would have the effect of cutting off assistance to countries where our troops are engaged, whose help we desperately need in the fight against terrorism, nuclear proliferation, and drug trafficking, whose cooperation is essential to achieving peace in the Middle East, or who are in the midst of conflicts that could spiral out of control and affect our national security. These include Afghanistan, Armenia, Colombia, the Democratic Republic of the Congo, Egypt, Haiti, Honduras, Iraq, Jordan, Mexico, Morocco, Pakistan, and Tunisia.

As Rep. Ackerman noted in the debate, by cutting off assistance to U.S. allies in the Middle East, this amendment would also put Israel's security at risk.

Second, the voting percentages fail to distinguish between key votes and less important matters. If a country votes with us on U.S. priority issues, but votes against us on issues on which we don't have a strong position or haven't lobbied extensively, why should we cut off assistance that serves U.S. interests?

Third, the purpose of the United Nations is to build cooperation and bridge differences among nations. We encourage other countries to promote freedom of expression while tolerating dissent. What kind of message does it send if we are, in effect, blackmailing other governments into voting with us at the U.N.? What kind of friendships and alliances do we buy with the diplomacy of coercion? If we adopted the Republicans' approach, how could we build future alliances necessary to secure global action on key foreign policy priorities, such as the Security Council sanctioning nuclear proliferators like Iran or North Korea or saving lives in Libya? The

United States is better served working within the U.N. system rather than undermining it through cuts and strong-arm tactics.

Underscoring the Majority's proclivity to "shoot first, and ask questions later," the amendment as originally drafted would have terminated democracy assistance programs for the people of Cuba and Iran. Only after the minority pointed out the utter absurdity of this approach did Rep. Duncan make a unanimous consent request to alter the amendment.

For all the same reasons that conditioning aid on the MCC's corruption indicator is a terrible idea with harmful consequences, conditioning aid on a country's U.N. voting record is a bad idea, with all the same serious, negative consequences.

Extreme Global Gag Rule Curbs Freedom of Speech and Prevents Poor Women from Accessing Health

Section 922 imposes the most extreme version of the Global Gag Rule, which would prevent the United States from cooperating with any foreign group that used its own money to perform, counsel, or provide information and referrals for abortion. In the name of "right to life," this draconian provision would cut off funds that are literally saving hundreds of thousands of lives.

On January 23, 2009, in one of his first acts after taking the oath of office, President Obama rescinded what was known as the "Mexico City policy." That policy prohibited family planning funds from going to foreign NGOs that provided abortion referrals, services or counseling with their own, non-U.S. funds. The policy did not affect funding for HIV/AIDS, tuberculosis and malaria or child survival, because many of the health clinics that address those urgent health needs also provide family planning and reproductive health services. In fact, President George W. Bush went so far as to specifically exempt HIV/AIDS assistance from the Global Gag Rule restriction in an August 2003 Presidential Memorandum.

In reversing the policy, President Obama asserted that "these excessively broad conditions on grants and assistance awards are unwarranted. Moreover, they have undermined efforts to promote safe and effective voluntary family planning in foreign nations." One of the key factors in making our aid more efficient and more effective is to build the capacity of local organizations to meet the needs of their communities, and by denying ourselves the ability to work with such organizations, we delay the transition to self-sufficiency and reduce our own long-term impact.

In addition to compromising aid effectiveness, the Mexico City policy contradicts our principles of freedom of speech and freedom of conscience. The reason that the policy was applied only to foreign NGOs is that it would be unconstitutional if applied to U.S. citizens and organizations. While our Constitution may not protect the rights of foreign persons, freedom of speech is a fundamental principle that we seek to promote in our democracy and human rights programs abroad and in our foreign policy more generally. Yet by denying funding to an organization on the basis of its beliefs, the Mexico City policy demonstrated that we're not willing to stand behind our principles. For that reason, the policy also became known as the Global Gag Rule.

Section 922 would not only reinstate the Global Gag Rule, but expand it to *all* foreign assistance funding authorized to be appropriated under this bill. This provision is not only unnecessary as a means of preventing the expenditure of U.S. taxpayer funds for abortion, but if enacted it would harm the health of poor women and families around the globe and reduce the impact of our foreign assistance programs.

First, U.S. law has prohibited the use of U.S. Government foreign assistance to fund abortion as a method of family planning for almost four decades. The Foreign Assistance Act and annual foreign assistance appropriations prohibit the use of foreign assistance funds "to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions." Additionally, using U.S. funds for biomedical research relating to abortion and lobbying for or against abortion are prohibited. Thus there are already clear and comprehensive laws in place preventing U.S. funds from being used for abortion.

Second, the Global Gag Rule harms women's health. Many of the clinics or local health centers that would be subject to the Global Gag Rule offer a wide range of family planning services and they often serve as the entry point for women to access the entire health system. When it was last in effect, the Global Gag Rule caused many health clinics to shut down, cutting off access for women in those areas not only to family planning services, but also to prenatal and maternal health care, prevention and response to sexual and gender-based violence, and other important health and hygiene services.

Clinics should not be forced to choose between accepting U.S. aid and using their own funds to provide critical and often life-saving information and services relating to abortion in countries where it is legal. Either way, it is the women they serve who lose. Global estimates indicate that by helping women space births and avoid unintended pregnancies, family planning could prevent 25 percent of maternal and child deaths in the developing world. Most maternal deaths are a result of severe bleeding, infections, eclampsia, obstructed labor or the consequence of unsafe abortions—all which are medically preventable. Ironically, the loss of these clinics is likely to lead to more, not fewer, unintended pregnancies and abortions.

Because the provision in this bill is so much broader than the original Global Gag Rule—applying to all forms of assistance rather than simply to family planning assistance—its impact would be even more devastating for the poor women and families who could lose access to HIV/AIDS treatment, malaria bed-nets, clean water and sanitation, skilled birth attendants, and other basic life-sustaining services.

Finally, by reinstating and expanding the Global Gag Rule, the Majority asserts that ideology rather than effectiveness should be the most important factor in determining which NGOs the U.S. Government should partner with to meet the ever-growing demand for voluntary, effective family planning and other essential health services. If section 922 were to go into effect, health clinics that provide a wide variety of safe, legal and life-saving services would be ineligible for assistance, and even organizations that showed

great success in reducing the overall number of abortions by expanding access to contraceptives could be prohibited from receiving further support.

Ranking Member Berman offered an amendment that would strike section 922 from the bill, which was defeated by a vote of 17 to 25.

Micromanaging Restrictions Reverse Efforts to Improve Aid Effectiveness

The Republican bill also takes aim at measures specifically designed to improve the efficiency and effectiveness of foreign assistance. After completing an 18-month-long review of international operations, known as the Quadrennial Diplomacy and Development Review (QDDR), the Secretary of State and USAID Administrator concluded that it made no sense to divorce decisions about budgets and resources from decisions about programs and results. They called for the establishment of a new Office of Budget and Resource Management at USAID, charged with developing USAID's annual budget proposal. The QDDR report explains: "Effective development depends on the strategic deployment of resources that advance particular programs and align with overall policy goals. USAID must have sufficient control of its budget to systematically deploy its resources where they will have the greatest impact."

To alleviate any concerns that this office would be duplicative, the QDDR directs that the Deputy Secretary of State will consolidate and review the USAID and State budget components, and the Director of Foreign Assistance Resources, who is located at State, will analyze and integrate all foreign assistance budget proposals.

Section 942 specifically prohibits and repeals the new USAID budget office. This is little more than a political stab at the Administration. There is no foreign policy objective to be advanced by this, and there would be no budgetary savings.

Indeed, USAID's budget office costs no extra money. The 16 total staff positions now assigned to that office were reallocated from other bureaus and offices at USAID. If anything, the new office will result in significant budget savings, as USAID is finally allowed to start matching resources with results and ensuring that funding decisions are informed by program performance.

Similarly, a Republican-sponsored amendment prohibits continuation of one of USAID's signature efforts to spur innovative public-private partnerships. Section 923 bars spending for the Development Innovation Ventures (DIV) program—an initiative to identify new mechanisms and processes that will produce development outcomes more effectively, cheaply, and quickly. Not only will this program help harness new technology to make game-changing breakthroughs and find cost-effective solutions to major development challenges, but it will also help U.S. companies and create U.S. jobs. While not restricted to American applicants, DIV's first round of grants went to U.S. firms and organizations located in Davis, CA; San Diego, CA; New Haven, CT; Charlestown, MA; and Baltimore, MD. In addition, current DIV grantees source their materials from Buffalo, NY and Cedar City, UT.

With a small amount of money, all reallocated from existing USAID resources, the DIV program seeks to apply the experience

and creativity of the private sector to problems they would not ordinarily have an incentive to address. USAID ensures that the program does not duplicate research and development activities in other agencies by requiring all applicants to specify whether they are receiving other U.S. Government funds, and by including experts from other U.S. Government agencies on the grant review panels. Rather than encouraging this kind of proactive approach, the Republican provision would simply end up returning the funds to lower-priority activities.

In addition to turning back the clock on USAID's ambitious reform agenda, the Majority voted down attempts to correct flaws in current programs. An amendment offered by Rep. Payne would have encouraged USAID to implement the recommendations of a GAO and a USAID-funded Tufts University study to improve the quality and cost effectiveness of U.S. food aid programs. In light of the current crisis in the Horn of Africa, and the over $600 million (nearly 70% of which is emergency food aid) that the U.S. has provided thus far to respond to the crisis, the Majority's rejection of common-sense recommendations for improving the quality, efficiency, cost effectiveness of U.S. food aid programs seems out of step. One of the key recommendations was for USAID to develop mechanisms and partnerships to facilitate more U.S. private sector development and innovation in food aid products, packaging, and delivery.

U.N. Cuts Undermine America's Leadership Role in the World

On a party-line vote, the Committee adopted a Republican amendment that would slash 25% of the U.S. assessed dues to the United Nations. While the flaws and shortcomings of the U.N. are numerous and sometimes flagrant, we strongly oppose these unilateral cuts, which constitute a blatant violation of our treaty obligations, and completely disregard the important work of the U.N. that supports U.S. national security and foreign policy interests.

This misguided amendment would create massive U.S. arrearages at the U.N. The last time Congress mandated the withholding of a significant percentage of our dues it resulted in the U.S. losing its seat on the Advisory Committee on Administrative and Budgetary Questions, one of the most influential U.N. budget-writing panels. It took many years before Congress was able to find the resources to pay off the arrears, and when it finally did so, U.S. standing in the international community was severely damaged. Rather than forcing the U.N. to its knees, the withholdings complicated U.S. efforts to achieve meaningful reforms. We would face the same situation if this bill were enacted into law.

The Majority rejected an amendment offered by Rep. Carnahan that would have allowed the Secretary to waive the 25% cut if she determined that it would have a negative impact on police training, demining, or counternarcotics programs in Iraq or Afghanistan. Ironically, the U.N. special political missions in Iraq and Afghanistan—which have complemented our bilateral assistance programs in those countries—were funded through the U.N. general budget at the behest of the Bush Administration. In fact, the creation of these two missions accounted for a significant percentage of the increase in the U.N. regular budget during the past decade.

Withdrawal from the OAS Isolates the United States in Our Own Hemisphere and Strengthens the Hand of Hugo Chavez

On a party-line vote, the Committee adopted an amendment to cut all U.S. funding for the Organization of American States (OAS), an organization that brings together all 34 democratically-elected governments in the Western Hemisphere, and excludes Cuba. Given that the OAS is the only regional organization that has repeatedly condemned Hugo Chavez's disregard for democracy, human rights and the rule of law, we are surprised that the Majority would seek to de-fund it. Such a step would only do the bidding of the Venezuelan dictator, who likened the organization to "a corpse that must be buried."

Our deep concerns about this irresponsible amendment are shared by the brave leaders of Venezuela's democratic opposition, who recently sent a letter to the Chairman expressing their alarm at the "grave consequences" of the measure.

Cap on U.N. Peacekeeping Increases Costs and Risks to the U.S.

U.N. peacekeeping missions make a vital contribution to U.S. national security interests by helping to maintain peace in volatile regions of the world. They prevent conflicts from escalating into violence and they protect civilians from the ravages of war. They are also much more cost-effective than deploying U.S. armed forces. According to the Government Accountability Office (GAO), sending U.S. troops to stabilize Haiti would have cost eight times more than deploying a comparable U.N. peacekeeping force. And rather than contributing troops to U.N. missions, the United States provides financial support that keeps American personnel out of harm's way.

The Majority routinely criticizes the rising cost of peacekeeping missions, yet usually fails to mention that the greatest proliferation of U.N. peacekeeping missions in history occurred during the George W. Bush Administration, and that the United States—as a permanent member of the Security Council—must approve all new peacekeeping operations.

Regrettably, the Majority remains determined to prevent the U.S. from paying its full assessed dues for peacekeeping missions, and insists on unilaterally capping our payments, even for operations that are created at U.S. urging and with U.S. approval. This would not only put the U.S. into arrears with the U.N., but would threaten the viability of important peacekeeping operations, including those in Sudan and South Sudan, Cote d'Ivoire and Haiti. By underfunding these missions, we make it much more difficult to prevent conflicts from developing into full-blown crises, and thus increase the likelihood of direct U.S. intervention and greater costs to U.S. taxpayers.

Rep. Carnahan offered an amendment to restore the full amount of peacekeeping funding requested by the Administration, which was rebuffed on a party-line vote. And several other Democratic amendments were offered to exempt specific U.N. peacekeeping missions from the 25% cap, including those in Haiti, Congo, and Sudan. The fact that some Republican Members supported exempting particular missions demonstrates that a punitive and rigid cap is inconsistent with U.S. foreign policy interests.

Ban on Climate Change Funding Denies Scientific Evidence and Threatens Health and Safety

Despite overwhelming scientific evidence that global warming is occurring and that human activity is a leading contributor to rising temperatures, the Committee adopted a Republican amendment, on a party-line vote, that would prohibit the United States from providing assistance to developing countries to help them deal with the growing impact of climate change. Regardless of what measures one believes the United States should or should not take to mitigate its own greenhouse gas emissions, there is no denying that the changing climate is causing mounting challenges for developing countries, whether relating to agriculture, infrastructure, health or economic growth. Many of these nations already face increases in the frequency and severity of flooding, the loss of arable lands, and the spread of climate-related diseases, such as malaria and cholera.

To rule out—for ideological reasons—an entire category of activities that are essential to the success of our overall development strategy is both shortsighted and wasteful. As a result of this amendment, the U.S. will not be able to assist pastoralist communities in Kenya and across the drought-affected Horn of Africa region with better management of their water, land, and other natural resources to adapt to climate conditions that contribute to food insecurity. What good does it do to help rebuild in Haiti if we are unable to help them prepare for the next hurricane? How can we assist city planners in southern Bangladesh if we are banned from gathering and analyzing data about rising sea levels? The prohibition on funding for the Global Climate Change Initiative will not save money—it will only ensure that our development efforts are less effective. Such an approach will cost lives and undermine U.S. national security by limiting our ability to mitigate the displacement, suffering, and instability that is likely to be caused by climate change.

The oddly misnamed section 925, entitled "Support for Activities of the Global Climate Change Initiative," will not only reduce the impact of our development efforts abroad, it will also harm us here at home. Our efforts to improve energy efficiency and reduce harmful emissions abroad help protect the health and safety of all Americans, while at the same time generating economic benefits by encouraging innovation in clean energy technologies that could lessen demand for fossil fuels abroad and translate into lower energy prices in the United States.

In short, the Majority's misguided approach would waste money, reduce aid effectiveness, ignore sources of conflict and instability, exacerbate risks to our own health, squander job and export opportunities, and fail to address rising fuel prices.

Rejection of Conflict Prevention Will Increase Long-Term Costs

Because many of the greatest threats to United States national security have emerged from failed states, it is in the national security interest of the United States to support peacebuilding efforts to stabilize and secure fragile states. Moreover, preventing disputes and localized conflicts from escalating to wide-scale violence and bloodshed is both a key diplomatic objective and a moral imperative. Regrettably, the Majority rejected a common-sense amend-

ment that would have strengthened U.S. Government capacity for crisis prevention and response.

Rep. Keating's amendment would have filled two critical gaps: First, the amendment would have required the Secretary of State to conduct annual regional conflict assessments. This would provide a comprehensive, transnational view of conflict, to help identify the areas at high risk of outbreak or escalation. Second, it would have established a working group in the White House to supervise and coordinate the conflict prevention activities of all national security agencies and to conduct contingency planning. This would help to ensure that high-level attention is paid to emerging situations before they turn into full-blown crises.

The amendment would not have required new bureaucracy or staff positions, nor would it have increased spending. Rather, it would have ensured that administration officials who are already working on these issues are doing so in a coordinated fashion, and that fleeting windows of opportunity to prevent crises are recognized and seized.

The old maxim that an ounce of prevention is worth a pound of cure applies nowhere better than to conflicts. Deploying diplomatic, political and economic resources in a timely and effective manner is far less costly than responding to a humanitarian crisis or intervening militarily. We find it very difficult to understand why Republicans would not support efforts to synchronize conflict prevention activities of U.S. Government agencies and to identify conflict risks before they turn into mass atrocities—especially given that they also voted to cut back on funding U.N. peacekeeping missions that are required after the atrocities take place.

Conditions on Economic Aid to Pakistan Threaten Stability and Democratic Rule

In the immediate aftermath of the raid that killed Osama Bin Laden, Speaker of the House Boehner was outspoken in his support for a closer relationship with Pakistan. He explained, "We both benefit from having a strong bilateral relationship. This is not a time to back away from Pakistan." Yet this bill does exactly that. It "backs away" the United States from Pakistan, to the detriment of American national security interests, by cutting off the most important types of assistance.

First, the bill would tie civilian economic assistance to a certification regarding Pakistan's security and counter terrorism related efforts, and its cooperation in issuing visas for American personnel. While we support these policy objectives, the issuing of visas is the sovereign responsibility of the government of Pakistan and should not be tied to the provision of foreign assistance.

As the bill includes no waiver provision for assistance to Pakistan, and it is unlikely that the Secretary can actually make the new certification, the bill would essentially terminate civilian economic and development assistance to Pakistan, the real key to creating long-term stability in that country. By making it more difficult for the U.S. to provide civilian assistance to Pakistan, the bill would punish the very elements of the Pakistani government that the U.S. is trying to strengthen, leaving in place those elements that have been hostile to democratic rule.

Second, as described previously, the bill includes two blanket aid restrictions—one for countries that do not vote with the United States at the U.N. at least 50 percent of the time, and a second for nations that fail to meet with MCC's "control of corruption" indicator. Pakistan would not meet either of these requirements. So, notwithstanding the fact that the Committee's rejected an amendment to explicitly cut economic assistance to Pakistan, the bill as reported would cut aid to Pakistan in three different ways.

The United States is right to be critical of Pakistan's security cooperation, but at the same time, must do everything in its power to strengthen Pakistan's civilian government and its democratically elected leaders. Under the previous administration, the United States essentially gave Pakistan's military government a blank check. The purpose of the Enhanced Partnership with Pakistan Act of 2009 was to reverse this failed policy by establishing the basis for a long term relationship with the Pakistani people, not its military rulers. This bill would sever efforts to establish an alternative to Pakistan's military leadership, reinforce the widely-held view in Pakistan that the U.S. is a fair-weather friend, and fundamentally undermine American national security objectives in the region.

Overall Package Harms America's Foreign Policy and National Security

As described above, this bill includes a number of provisions that would harm America's foreign policy and national security interests and undermine our standing in the world. It is clear that proponents of the legislation did not make a serious effort to enact necessary reforms or assess the utility or impact of their proposed cuts. Their approach was to take a broad swipe at our diplomatic and development programs, without any regard for the consequences. Given the Majority's reckless approach, we have absolutely no hesitation in urging our colleagues to reject this misguided and damaging legislation.

HOWARD L. BERMAN.
GARY L. ACKERMAN.
DONALD M. PAYNE.
BRAD SHERMAN.
ELIOT L. ENGEL.
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