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Union Calendar No. 145

112TH CONGRESS
1ST SESSION

H. R. 2583

[Report No. 112–223]

To authorize appropriations for the Department of State for fiscal year 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2011

Ms. ROS-LEHTINEN introduced the following bill; which was referred to the Committee on Foreign Affairs

SEPTEMBER 23, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 19, 2011]

A BILL

To authorize appropriations for the Department of State for fiscal year 2012, and for other purposes.

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

SECTION 1. SHORT TITLE.

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

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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 pol-

icy 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 ex-

ceed 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 Com-

mission 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 train-

ing, 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 addi-

tional 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 port-

folio 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 bol-

stering 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 im-

portant 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 Assembly 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 author-

ity 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 govern-

ments 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 Fed-

eral 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.".

1 ***SEC. 954. SENSE OF CONGRESS REGARDING REDUCING MA-***
2 ***LARIA PREVALENCE AND DEATHS.***

3 *(a) FINDINGS.—Congress finds the following:*

4 *(1) Malaria is a leading cause of death and dis-*
5 *ease in many developing countries, despite being com-*
6 *pletely preventable and treatable.*

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

11 *(3) Young children and pregnant women are*
12 *particularly vulnerable and disproportionately af-*
13 *fected by malaria.*

14 *(4) Malaria greatly affects child health, with es-*
15 *timates that children under the age of 5 account for*
16 *85 percent of malaria deaths each year.*

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

23 *(6) Heightened national, regional, and inter-*
24 *national efforts to prevent and treat malaria over re-*
25 *cent years have made measurable progress and have*
26 *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 de-

creased 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, col-

lection, 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. Without 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 sub-

section (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 weap-

ons, 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 des-

ignated 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 con-

gressional 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 Cen-

tral 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 congres-

sional 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 coproduction 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 oper-

ations 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 demo-

cratic 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 pre-

empting 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 pro-

vided 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 congres-

sional 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 Disclo-

sure 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 em-

ployment 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, de-

scription, 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 un-

less 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 gov-

ernment 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 Organiza-

tion 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.

1 ***SEC. 1108. CLARIFICATION OF SENSITIVE TECHNOLOGIES***
2 ***FOR PURPOSES OF PROCUREMENT BAN.***

3 *(a) FINDINGS.—Congress finds the following:*
4 *(1) The Government of Iran continues to disrupt*
5 *the free flow of information to the people of Iran.*
6 *(2) The Government of Iran continues to utilize*
7 *information technology to conduct surveillance of dis-*
8 *sidents' communications in an effort to repress oppo-*
9 *nents of the regime.*
10 *(3) Congress passed the Comprehensive Iran*
11 *Sanctions, Accountability, and Divestment Act of*
12 *2010 (CISADA) (which was enacted into law on July*
13 *1, 2010) to increase pressure on the Iranian regime*
14 *to abandon nefarious policies, including the develop-*
15 *ment of nuclear weapons, support for international*
16 *terrorism, and violations of internationally recog-*
17 *nized human rights.*
18 *(4) Section 106 of that Act provides for sanctions*
19 *against firms that provide Iran with sensitive tech-*
20 *nologies that allow the Government of Iran to mon-*
21 *itor, disrupt, or filter the free flow of information to*
22 *and from the people of Iran.*
23 *(5) On September 23, 2010, the President dele-*
24 *gated authorities provided under section 106 of that*
25 *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 de-

scribe 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 enti-

ty, 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, en-

vironment, 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 For-

eign 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 main-

tains 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 assistance 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 ineli-

gible 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 Disarmament 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 ef-

forts 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, re-

voked 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, plain-clothes 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, sen-

tencing, 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 resolution 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 observa-

tion 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 par-

ticular 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 multiparty 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 nature and quantity of such defense articles and services based solely upon their judgment on the needs of Tai-

wan, 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 re-

striction, 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.".

Union Calendar No. 145

112TH CONGRESS
1ST SESSION

H. R. 2583

[Report No. 112–223]

A BILL

To authorize appropriations for the Department of State for fiscal year 2012, and for other purposes.

SEPTEMBER 23, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed