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

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”.

SECTION 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

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

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Subtitle A—Basic Authorities and Activities

Sec. 201. Transfer of inspections back to the Secretary of State.
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Sec. 204. Special agents.
Sec. 205. Diplomatic security program contracting.
Sec. 206. Statement of policy on existing United States understandings with Israel.
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Sec. 211. Extension of authority to assess passport surcharge.
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**TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES**

Sec. 301. Suspension of Foreign Service members without pay.
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**TITLE IV—FOREIGN ASSISTANCE**

Sec. 401. Goals of United States assistance.
Sec. 402. United States Agency for International Development.
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Sec. 404. Microfinance and microenterprise programs.
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Sec. 408. Democracy Fund.
Sec. 409. Report on aid commitments and disbursements by other donors and international organizations.
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TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

Sec. 501. Authorization of appropriations for international broadcasting.
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TITLE VI—REPORTING REQUIREMENTS

Sec. 601. Reporting reform.
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TITLE VII—PROLIFERATION SECURITY INITIATIVE

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TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Boundary, water, and fisheries commissions.
Sec. 802. Limitation on funds for U.S.-China Center of Excellence on Nuclear Security.
Sec. 803. Elimination of East-West Center.
Sec. 805. Arab League boycott.
Sec. 806. Measures supporting the reunification of Cyprus.
Sec. 807. Limitation on assistance to the former Yugoslav Republic of Macedonia.
Sec. 808. Statement of policy regarding the Ecumenical Patriarchate.
Sec. 809. Sense of Congress on restrictions on religious freedom in Vietnam.
Sec. 810. State sponsorship of terrorism by Eritrea.
Sec. 811. Rights of religious minorities in Egypt.
Sec. 812. The Republic of the Sudan and the Republic of South Sudan.

TITLE IX—SECURITY ASSISTANCE

Sec. 901. Short title.

Subtitle A—Military Assistance and Related Matters

PART I—FUNDING AUTHORIZATIONS

Sec. 911. Foreign Military Financing program.
Sec. 912. International military education and training.

PART II—MILITARY ASSISTANCE AUTHORITIES AND RELATED PROVISIONS

Sec. 921. Authority to transfer excess defense articles.
Sec. 922. Annual military assistance report.
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Sec. 924. Global Security Contingency Fund.
Sec. 925. International military education and training.

PART III—ARMS EXPORT CONTROL ACT AMENDMENTS AND RELATED PROVISIONS

Sec. 931. Increased flexibility for use of defense trade control registration fees.
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Sec. 995. Peacekeeping operations.

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Sec. 996B. Briefings relating to Public Law 107–40.

TITLE X—PEACE CORPS VOLUNTEER SERVICE PROTECTION

Sec. 1001. Sexual assault complaints in the Peace Corps.
Sec. 1002. Peace Corps volunteer protection.
Sec. 1003. Conforming amendments.
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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 the amounts authorized to be appropriated under paragraph (1), $1,500,000,000 is authorized to be appropriated for worldwide security protection.

(B) Bureau of Democracy, Human Rights, and Labor.—Of the amounts authorized to be appropriated under paragraph (1), 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.

There are authorized to be appropriated for “Contributions to International Organizations”, $1,581,815,000 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. Of the amounts authorized to be appropriated by this section, not more than $44,238,411 is 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 instead “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 instead “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 instead “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.


(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “With respect” and inserting “Ex-
cept as provided in subsection (d), with re-
spect’’; and

(B) in paragraph (3), by striking ‘‘sub-
section (d)’’ and inserting ‘‘subsection (e)’’;

(2) by redesignating subsections (d), (e), (f),
and (g) as subsections (e), (f), (g), and (h), respec-
tively;

(3) by inserting after subsection (c) the fol-
lowing new subsection:

‘‘(d) AWARD OF LOCAL GUARD AND PROTECTIVE
SERVICE CONTRACTS IN HIGH RISK AREAS.—With re-
spect to local guard contracts for Foreign Service build-
ings 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 con-
tracts;

‘‘(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 per-
sonnel.”.

SEC. 206. 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 pro-
vided by the President in an April 14, 2004, letter to the
Prime Minister of Israel.

SEC. 207. RECOGNITION OF JERUSALEM AS THE CAPITAL
OF THE STATE OF ISRAEL AND RELOCATION
OF THE UNITED STATES EMBASSY TO JERU-
SALEM.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress 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.

Subtitle B—Consular Services and Related Matters

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

Paragraph (2) of section 1(b) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)), is amended by striking “2010” and inserting “2015”.

SEC. 212. TIBET.

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

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

(2) by redesignating paragraph (2) as paragraph (3); and
(3) by inserting after paragraph (1) the following new paragraph:

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

(b) DIPLOMATIC REPRESENTATION RELATING TO TIBET.—

(1) UNITED STATES EMBASSY IN BEIJING.—

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

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

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

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

(e) 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”.

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 “pro-
providing new,” and inserting “providing, maintaining, re-
pairing, 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”.

TITLE III—ORGANIZATION AND
PERSONNEL AUTHORITIES

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

(a) SUSPENSION.—Section 610 of the Foreign Serv-
ice 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 Serv-
ice, 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 sen-
tence 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 For-

eign 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 For-

eign 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.—Sec-

tion 610 of the Foreign Service Act of 1980, as

amended by subsection (a) of this section, is further

amended, in the section heading, by inserting “;

SUSPENSION” before the period at the end.

(2) Clerical amendment.—The item relating

to section 610 in the table of contents in section 2

of the Foreign Service Act of 1980 is amended to

read as follows:

“Sec. 610. Separation for cause; suspension.”. 
SEC. 302. REPEAL OF RECERTIFICATION REQUIREMENT
FOR SENIOR FOREIGN SERVICE.

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

SEC. 303. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

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

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

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting “(A),” after “if”; and

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

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

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and
(D) by adding after paragraph (5) the following new paragraph:

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

and

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

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

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

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:
“(c) The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).”.

TITLE IV—FOREIGN ASSISTANCE

SEC. 401. GOALS OF UNITED STATES ASSISTANCE.

(a) 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; and

(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 econ-
omy, aligning public resources with private capital
through the establishment of public-private partner-
ships for the economic advancement of impoverished
countries.

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

(1) emphasize the development of innovative
partnerships between governments and organizations
in the private sector (including corporations, founda-
tions, universities, faith-based organizations, and
other nongovernmental organizations) in the ap-
proach to and distribution of foreign assistance; and

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

SEC. 402. 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. 403. BILATERAL ECONOMIC ASSISTANCE.

Not more than $21,208,900,000 is authorized to be appropriated to the President for “Bilateral Economic Assistance” for fiscal year 2012.

SEC. 404. 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. 405. DEVELOPMENT CREDIT AUTHORITY.

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

(1) 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

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

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 403, 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.

SEC. 406. MILLENNIUM CHALLENGE CORPORATION.

(a) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated
under section 403, 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.

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

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

(2) 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.”.

SEC. 407. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT FAIL TO MEET THE MILLENNIUM CHALLENGE CORPORATION’S CORRUPTION PERFORMANCE INDICATOR.

(a) RESTRICTION.—Except as provided in paragraph (2), no United States economic or development assistance 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 paragraph (1) 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 Representa...
(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 408. DEMOCRACY FUND.

Of the amounts authorized to be appropriated under section 403, 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. 409. 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. 410. 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)).


(3) The South African Enterprise Development Fund established pursuant to sections 496 and 635(b) of the Foreign Assistance Act of 1961.
SEC. 411. LIMITATION ON FUNDS FOR UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT'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. 412. PREVENTING TAXPAYER FUNDING FOR 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. 413. SENSE OF CONGRESS RELATING TO 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 V—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

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.

SEC. 502. 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. 503. 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)”;

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

SEC. 504. TECHNICAL AMENDMENT RELATING TO CIVIL IMMUNITY FOR BROADCASTING BOARD OF GOVERNORS MEMBERS.

Section 304 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”.

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TITLE VI—REPORTING REQUIREMENTS

SEC. 601. 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 604 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. 602. 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 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.

TITLE VII—PROLIFERATION SECURITY INITIATIVE

SEC. 701. 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. 702. 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. 703. 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 VIII—MISCELLANEOUS PROVISIONS

SEC. 801. 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.

(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.

SEC. 802. 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 Nu-
clear Security Administration and the China Atomic Energy Authority.

SEC. 803. 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. 804. INSPECTOR GENERAL OF THE GLOBAL FUND.

Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(5)) is amended—

(1) in subparagraph (C)—

(A) by amending clause (ii) to read as follows:

“(ii) all reports of the Inspector General of the Global Fund, without editing, restriction, or limitation, and in a manner that is consistent with the Policy for Disclosure of Reports of the Inspector Gen-

...
eral, approved at the 16th Meeting of the
Board of the Global Fund, including a cer-
tification that no changes have been made
to the Policy that would restrict the In-
spector General’s ability to disclose the re-
sults 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 pub-
lished audits and investigations of finan-
cial, programmatic, and reporting aspects
of the Global Fund, its grantees, recipi-
ents, 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. 805. ARAB LEAGUE BOYCOTT.

It is the sense of Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of United States firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regretfully reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;
(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to such country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel and to bring about the termination of the Arab League boycott of Israel, including those steps being taken to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

SEC. 806. 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” the second place it appears 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. 807. LIMITATION ON ASSISTANCE TO THE 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 his-
torical boundaries of the Greek province of Mac-
edonia.

(2) The FYROM continues to utilize materials
that violate provisions of the United Nations-bro-
kered Interim Agreement between the FYROM and
Greece regarding incendiary rallies, rhetoric, or
propaganda, and United Nations-led negotiations be-
tween 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 accept-
able, new official name for the FYROM.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that all United States assistance to the FYROM
should be conditioned on the FYROM’s willingness to en-
gage in meaningful discussions with Greece in accordance

(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 pro-
mote 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 in-
formation on the histories and geographies of Greece and FYROM.

**SEC. 808. STATEMENT OF POLICY REGARDING THE 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. 809. SENSE OF CONGRESS ON 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.
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.

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 members of their religious community who allegedly participated in demonstrations.

Ksor Tino, a Degar Christian, died on September 6, 2009, after being detained in a Plei K’u city prison and being tortured repeatedly with electric prods and severe physical punishment for refusing to join a government sanctioned religion.

On November 11, 2010, hundreds of Vietnamese police violently attacked a Catholic prayer service in the Gia Lai Province, leaving 9 of the beaten unconscious from strokes to the head.

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, pub-
liely 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 nec-
essary legal and political reforms to protect religious freedom.

SEC. 810. STATE SPONSORSHIP OF TERRORISM BY ERI-
TREA.

It is the sense of Congress that—

(1) given the growing security threat from al Shabaab, a United States-designated foreign ter-
rorist organization, every effort should be made to tackle its outside sources of support;

(2) Eritrea’s ongoing and well-documented sup-
port for armed insurgents in Somalia, including al Shabaab, poses a significant threat to the national security interests of the United States and East Af-
rican countries; and

(3) the Secretary of State should designate Eri-
trea as a state sponsor of terrorism pursuant to sec-
tion 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and sec-

SEC. 811. RIGHTS OF RELIGIOUS MINORITIES IN EGYPT.

(a) STATEMENT OF CONGRESS.—Congress is con-
cerned 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. 812. THE REPUBLIC OF THE SUDAN AND THE 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.


(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 es-
tablish a cessation of hostilities in Southern Kordofan;

(5) the deployment of up to 4,200 Ethiopian peacekeepers to Abyei and the new United Nations Mission in South Sudan (UNMISS) are expected to help provide security and stability in the region;

(6) peace, rule of law, security, and good governance should be promoted throughout Sudan and South Sudan, particularly efforts to—

(A) advance security and stability in both countries, especially in critical areas such as Darfur, Blue Nile, and Southern Kordofan and in Abyei;

(B) promote respect for the human and civil rights of all, including southerners living in Sudan and northerners living in South Sudan;

(C) encourage the development of multi-party democracy, vibrant democratic institutions, and freedom of speech and association;

(D) prevent extremists groups from exploiting the territories of Sudan and South Sudan and encourage full cooperation with the United States on counterterrorism priorities; and
(E) encourage a productive relationship between Sudan and South Sudan that recognizes the mutual need for cooperation and an open flow of people and goods across borders and to refrain from the use of proxy forces to foment conflict; and

(7) 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).

TITLE IX—SECURITY ASSISTANCE

SEC. 901. 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. 911. 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 “not less than $3,075,000,000 for fiscal year 2012”.

(c) ASSISTANCE FOR IRAQ.—

(1) FINDINGS.—Congress finds the following:

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

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

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

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

(2) Authorization of Appropriations.—Of the amounts authorized to be appropriated under subsection (a), $1,000,000,000 is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act

(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.

SEC. 912. 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 Presi-
dent to carry out the purposes of this chapter
$105,800,000 for fiscal year 2012”.

(b) Authority To Provide to International
Organizations.—Section 541 of the Foreign Assistance
Act of 1961 (22 U.S.C. 2347) is amended in the first sen-
tence 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 peace-
keeping operations”.

PART II—MILITARY ASSISTANCE AUTHORITIES
AND RELATED PROVISIONS

SEC. 921. AUTHORITY TO TRANSFER EXCESS DEFENSE AR-
ticles.

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. 922. ANNUAL MILITARY ASSISTANCE REPORT.

(a) Information Relating to Military Assis-
tance 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 in-
serting “the following:”

(2) in paragraph (1)—

(A) by inserting “Whether such defense ar-
ticles” 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 ar-
ticles” before “were”; and

(B) by striking “; or” at the end and in-
serting a period; and

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

“(3) Whether such defense articles were ex-
ported 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, in-
cluding the specific exemption in the regulation
under which the export was made.
“(4) A detailed listing, by United States Munitions List category and sub-category, as well as by country and by international organization, of the actual total dollar value of major defense equipment and defense articles delivered pursuant to licenses authorized under section 38 of the Arms Export Control Act for the previous fiscal year.

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

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

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

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

“(c) INFORMATION NOT REQUIRED.—Each such report may exclude information relating to—
“(1) exports of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States on a temporary basis;

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

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

SEC. 923. 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. 924. GLOBAL SECURITY CONTINGENCY FUND.

(a) AUTHORITY.—

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

(2) Contributions to Fund.—

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

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

(3) Limitation.—The authority of this subsection may not be exercised with respect to a fiscal year until—
(A) the Secretary of State contributes to the fund not less than one-third of the total amount contributed to the fund for the fiscal year; and

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

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

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

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

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

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

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

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

(4) Section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing program).
(5) Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291; relating to international narcotics control and law enforcement).


(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 Com-
mittee on Appropriations of the House of Rep-
resentatives.

(h) Rule of Construction.—Nothing in this sec-
tion shall be construed to constitute an authorization or
extension of any of the provisions of law described in sub-
section (d).

(i) Termination of Program.—The authority to
carry out the program authorized under subsection (a) ter-
minates at the close of September 30, 2015. An activity
under the program directed before that date may be com-
pleted after that date, but only using funds made available
for fiscal years 2012 through 2015.

SEC. 925. 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 Central African Republic, Chad, Cote d’Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, or Sri Lanka. A notification
under this subparagraph shall include a detailed
description of activities that are proposed to be
carried out using such assistance.

(B) **Funds described.**—Funds referred
to in subparagraph (A) are funds made avail-
able 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 allow-
ances.

(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 ap-
propriate 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 ex-
penditure of such funds, and the specific countries in re-
ceipt of, and the use or purpose of the assistance provided
by, such funds.
PART III—ARMS EXPORT CONTROL ACT

AMENDMENTS AND RELATED PROVISIONS

SEC. 931. 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. 932. 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 re-
ceiving such certification,
enacts a joint resolution”.

(2) TECHNICAL AND CONFORMING AMEND-
MENTS.—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 redesig-
nated), by striking “Subject to paragraph
(6), if” and inserting “If”; and

(ii) by striking paragraph (7) (as re-
designated); and

(B) in subsection (c)(4), by striking “sub-
section (b)(5)” each place it appears and insert-
ing “subsection (b)(6)”.

(b) COMMERCIAL SALES.—Section 36(e) 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 insert-
ing “$25,000,000”; and

(C) by striking “$50,000,000” and insert-
ing “$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)”;

(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. 933. 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 re-transfer”.

SEC. 934. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25(a)(3) of the Arms Export Control Act (22 U.S.C. 2765(a)(3)) is amended by striking 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. 935. 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 78dd3 of title 15, United States Code, 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) section 2339C and D 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”.

(e) 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. 936. 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 diver-
sion, regardless of whether such persons maintain
such nationality or the nationality of another coun-
try 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 suc-
cessor regulations).”.

SEC. 937. EXEMPTION FOR TRANSACTIONS WITH COUN-
TRIES SUPPORTING ACTS OF INTER-
ATIONAL 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 insert-
ing “EXEMPTIONS”; and
(B) by adding “AND CERTAIN FEDERAL
LAW ENFORCEMENT ACTIVITIES” after “Re-
porting Requirements”; and
(2) by adding at the end before the period the
following: “or with respect to Federal law enforce-
ment activities undertaken to further the investiga-
tion of violations of this Act”.
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 as-
assessment each fiscal year.

“(3) APPROPRIATE CONGRESSIONAL COMMIT-
tees.—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 Sen-
ate.”.

SEC. 939. CONGRESSIONAL NOTIFICATION OF REGULA-
tIONS 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 Presi-
dent shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on For-
eign 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 con-
sulting 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 regula-
tions or amendments to regulations made on or after the
date of the enactment of this Act.

Subtitle B—Security Assistance
and Related Matters

PART I—ISRAEL

SEC. 941. 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 re-
port that contains—

(1) a complete, unedited, and unredacted copy
of each assurance made by United States Govern-
ment officials to officials of the Government of Israel
regarding Israel’s security and maintenance of
Israel’s qualitative military edge provided in con-
junction with exports under the Arms Export Con-
trol Act (22 U.S.C. 2751 et seq.) for the period be-
ginning 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 con-
tinuing 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 infor-
mation 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 commit-
tees 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 de-
scribed in subsection (a) or paragraph (1)(A) of this
subsection during the preceding 5-year period.

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

SEC. 942. CLARIFICATION OF CERTIFICATION REQUIRE-
MENTS 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 determina-
tion” and inserting “an unclassified determination”.

SEC. 943. 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 de-
fending 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 de-
fenses of Israel to provide robust, layered protection
against ballistic missile, and medium and short
range projectile attack;
(3) provide assistance to complete accelerated
cooproduction of Arrow missiles and continued inte-
gration with the appropriate ballistic missile defense
systems of the United States;

(4) provide assistance to aid the system devel-
opment of the Missile Defense Agency and Israel
Missile Defense Organization joint program to de-
velop a short-range ballistic missile defense capa-
bility, 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, develop-
ment, and test and evaluation, and fielding of the

(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 Pub-
lic Law 107–228; 116 Stat. 1430) and further amended
by section 101(b)(2) of this Act, the Secretary of State,
in coordination with the Secretary of Defense, is author-
ized to provide assistance to the Government of Israel for
the procurement, maintenance, and sustainment of the
Iron Dome Air Defense Missile System for purposes of intercepting short-range rockets, missiles, and mortars launched against Israel, and other activities.

(c) REPORT.—

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

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

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

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and
(B) the Committee on Foreign Relations and the Committee on Armed Services in the Senate.

PART II—EGYPT

SEC. 951. 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.

(e) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to the ap-
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. 952. 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 reforms that protect the religious and democratic freedoms of all citizens and residents of Egypt.

(5) Recommendations, including with respect to required resources and actions, to maximize the effectiveness of United States security assistance provided to Egypt.

(b) GAO REPORT.—Not later than 120 days after the date of the submission of the report required under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(1) reviews and comments on the report required under subsection (a); and
(2) provides recommendations regarding additional actions with respect to the provision of United States security assistance to Egypt, if necessary.

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

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

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

SEC. 953. 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. 961. 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. 962. 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 posi-
tion 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.

(e) 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. 963. 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 or-
ganizations, 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 Gen-
eral Security Directorate, the General Directorate of
State Security, Lebanese Military Intelligence, and
other organizations or agencies.

(4) A description of vetting and end-user moni-
toring systems in place by the Government of Leb-
anon, the United States, international organizations,
and other nations and entities providing security as-
sistance 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 ex-
tent possible, but may include a classified annex if nec-
essary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congres-
sional 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. 964. 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. 971. 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—

(i) no member of Hamas or any other foreign terrorist organization serves in any policy position in a ministry, agency, or instrumentality of the Palestinian Authority;
(2) the Palestinian Authority is taking all necessary steps and action to implement the 2005 security reorganization program, and implement an inclusive, standards-based approach to recruitment;

(3) all Palestinian Authority ministries and operations that directly or indirectly benefit from security assistance are financially transparent and accountable;

(4) the Palestinian Authority is dismantling all foreign terrorist organizations infrastructure, confiscating unauthorized weapons, thwarting and preempting terrorist attacks, and fully cooperating with Israel’s security services;

(5) the Palestinian Authority is fully implementing necessary institutional reforms within the Ministry of Interior and within the judicial sector;

(6) the Palestinian Authority has halted all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and is replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

(7) there exists within the Palestinian Authority comprehensive anti-terrorism vetting and tracking
procedures for all Palestinian Security Forces personnel benefitting from United States security assistance; and

(8) the Palestinian Authority has and continues to publicly acknowledge Israel’s right to exist as a Jewish state.

(e) **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. 972. 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 or-
ganizations, 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. 973. 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. 981. 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”;

(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 Sec-
retary of State submits to the appropriate con-
gressional 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 measur-
able progress toward achieving the principal objec-
tives of United States assistance to Pakistan con-
tained in the Pakistan Assistance Strategy Report
and a memorandum explaining the reasons justifying
the certification; and
“(2) the certification required under section
203(c).”; and
(C) by striking the second paragraph (2).
(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 appro-
priated for the purposes of providing assistance to Paki-
stan under title I of the Enhanced Partnership with Paki-
stan Act of 2009 and providing assistance to Pakistan
under the Foreign Assistance Act of 1961 for each of the

SEC. 982. 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 to-
wards” 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; and

“(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 secu-
rity-related assistance to Pakistan in each of the fiscal years 2012, 2013, and 2014.

SEC. 983. 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. 991. 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 af-
filiated with a foreign terrorist organization;

(2) no member of a foreign terrorist organiza-
tion serves in any policy position in a ministry, agen-
acy, 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 as-
sistance;

(4) all ministries and operations of the Govern-
ment of Yemen that directly or indirectly benefit
from United States security assistance are finan-
cially 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 ap-
propriate congressional committees an initial certification
under subsection (b), and every six months thereafter—

(1) the President shall transmit to the appro-
priate 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) W AIVER.—The President may waive the limita-
tion in subsection (a) if the President determines and cer-
tifies 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
enforceing existing end-use monitoring mechanisms;
and

(3) the United States has established and im-
plemented comprehensive procedures to vet all re-
cipients of United States security assistance to en-
sure that no recipients are members of, or affiliated
with, a foreign terrorist organization or any affili-
ates or supporters thereof.

SEC. 992. REPORT ON SECURITY ASSISTANCE TO THE GOV-
ERNMENT 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, train-
ing, provision of equipment, and construction of fa-
cilities, including funding streams.

(4) A description of vetting and end-user moni-
toring 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 Govern-
ment of Yemen is taking to combat foreign terrorist
organizations.

(6) Recommendations, including with respect to
required resources and actions, to maximize the ef-
fectiveness 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 com-
mittees a report that—

(1) reviews and comments on the report re-
quired under subsection (a); and

(2) provides recommendations regarding addi-
tional actions with respect to the provision of United
States security assistance to Yemen, if necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congres-
sional committees” means—

(1) the Committee on Foreign Affairs and the
Committee on Armed Services of the House of Rep-
resentatives; and

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

SEC. 993. GOVERNMENT OF YEMEN DEFINED.

In this part, the term “Government of Yemen” means
any person, agent, instrumentality, or official of, is affili-
ated with, or is serving as a representative of the Gover-
ment of Yemen.
PART VII—MISCELLANEOUS PROVISIONS

SEC. 994. 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. 994A. 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. 994B. 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.

SEC. 994C. SENSE OF CONGRESS.

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.

Subtitle C—Peacekeeping Operations

SEC. 995. 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 inserting the following new subsection:

“(b) Assistance authorized to be appropriated under this chapter may also be used, notwithstanding section 660, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations.”.
(2) DISARMAMENT AND REINTEGRATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, regulation, or Executive order, funds authorized to be appropriated by this Act and any similar provision of law for peacekeeping operations may be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations.

(B) CONSULTATION.—The Secretary of State shall consult with the appropriate congressional committees prior to obligating or expending funds pursuant to this subsection.

(C) DEFINITION.—In this paragraph, the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) LIMITATION.—Section 404(a) of the Child Soldier 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 “sections 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 peace-keeping activities in Somalia and for a United States con-
tribution to the Multinational Force Observers Mission in
the Sinai.

Subtitle D—Reports and Briefings

SEC. 996. 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 re-
port on sales and financing of defense articles and defense
services in excess of $50,000,000 by North Atlantic Treas-
ty 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 po-
tential 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 hos-
tile 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 (b).

(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. 996A. 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 con-
gressional committees” means—

(1) the Committee on Foreign Affairs of the
House of Representative and the Committee on For-

eign Relations of the Senate; and

(2) the congressional defense committees (as
defined in section 101(a)(16) of title 10, United
States Code).

SEC. 996B. BRIEFINGS RELATING TO PUBLIC LAW 107–40.

(a) BRIEFINGS ON ACTIVITIES.—Not later than 120
days after the date of the enactment of this Act, and quar-
terly thereafter, the Secretary of Defense shall provide a
briefing to the appropriate congressional committees on
military activities, including cyber activities, carried out
pursuant to the Authorization for Use of Military Force

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

(1) the Committee on Appropriations, the Com-
mittee on Armed Services, and the Committee on
Foreign Affairs of the House of Representatives;
and
(2) the Committee on Appropriations, the Com-
mittee on Armed Services, and the Committee on
Foreign Relations of the Senate.

TITLE X—PEACE CORPS VOLUN-
TEER SERVICE PROTECTION

SEC. 1001. SEXUAL ASSAULT COMPLAINTS IN THE PEACE
CORPS.

(a) Sense of Congress.—It is the sense of Con-
gress that the Peace Corps has begun responding to con-
cerns 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 for-
ward to working cooperatively with the Peace Corps on
additional, necessary steps to protect volunteers, including
the enactment and implementation of this title.

SEC. 1002. PEACE CORPS VOLUNTEER PROTECTION.

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

``SAFETY AND SECURITY AGREEMENT REGARDING PEACE
CORPS VOLUNTEERS SERVING IN FOREIGN COUNTRIES
``Sec. 8A. (a) In General.—Not later than six
months after the date of the enactment of this section,
the Director of the Peace Corps shall consult with the Assistant Secretary of State for Diplomatic Security and enter into a memorandum of understanding that specifies the duties and obligations of the Peace Corps and the Bureau of Diplomatic Security of the Department of State with respect to the protection of Peace Corps volunteers and staff members serving in foreign countries, including with respect to investigations of safety and security incidents and crimes committed against such volunteers and staff members.

“(b) Inspector General Review.—

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

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

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

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

“(i) significant progress is being made toward finalizing such memorandum; and
“(ii) the Peace Corps is using best efforts to provide volunteers with the training, support, and information they need to stay safe and secure.

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

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

“SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING

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

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

“(c) SUBSEQUENT TRAINING.—Once a trainee has
arrived in such trainee’s country of service, the Director
of the Peace Corps shall provide such trainee with training
tailored to such country, including cultural training relating
to gender relations, risk-reduction strategies, a safety
plan in the event of an assault, treatment available in such
country (such as forensic rape exams, PEP for HIV expo-
sure, 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 vol-
unteers 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 sec-
tion 8C or any other criminal or administrative
wrongdoing by volunteers, personnel (including ex-
perts 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 of-
fenders 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 spe-
cific 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 as-
sault field; and

“(2) are applicable to all posts at which volun-
teers serve.

“(b) DEVELOPMENT AND CONSULTATION WITH EX-
PERTS.—In developing the sexual assault policy under
subsection (a), the Director of the Peace Corps shall con-
sult with and incorporate, as appropriate, the rec-
ommendations 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 sys-
tem 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

“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 vic-
tims 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 Con-
gress 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 addi-
tional victims advocates may not have any other duties
in the Peace Corps.
“(4) EXEMPTION.—The victims advocate and additional victims advocates shall be exempt from the five year rule on appointments and assignments under section 7.

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

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

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

“ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY
COUNCIL

“SEC. 8E. (a) Establishment.—There is estab-
lished in the Peace Corps a Sexual Assault Advisory Coun-
cil (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 non-
governmental experts and professionals in the sexual as-
sault field.

“(c) Functions; Meetings.—The Council shall
meet not less often than annually to review the sexual as-
sault 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 For-
eign Relations and the Committee on Appropriations of
the Senate a report on its findings based on the reviews conducted pursuant to subsection (e).

"(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 Com-
mittee 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 collec-
tion 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 (e) 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 this 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 in-
formation or personal information of a volun-
teer who is a victim of assault collected in con-
nection with services requested, utilized, or de-
nied 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 volun-
teers and nonpersonally identifying demo-
graphic information in order to comply with re-
porting, 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 affili-
ation, 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 reme-
diated 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 volun-
tee.

“(2) REPORT.—Not later than six months after
the date of the enactment of this section, the Direc-
tor of the Peace Corps shall submit to the Com-
mittee on Foreign Affairs and the Committee on Ap-
propriations 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 ade-
quate communication, including cellular service and
Internet access.

“(e) MONITORING AND EVALUATION.—Not later
than one year after the date of the enactment of this sec-
tion 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 re-
port on the monitoring and evaluation of Peace Corps pro-
grams and Country Directors, including information on
the following:

“(1) A description of the monitoring and eval-
uation activities conducted in the preceding year.
“(2) A forecast of the monitoring and evalua-
tion activities planned for the subsequent year.
“(3) A description of the ways in which the re-
sults 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 coun-
tries the Peace Corps serves or is considering for service.
Such portfolio reviews shall at a minimum include the fol-
lowing 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 as-
sistance.
“(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. 1003. 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 8D)" after "health care"; and
(2) by inserting "including services provided in accordance with section 8D (except that the six-month limitation shall not apply in the case of such services)" before "as the President".

SEC. 1004. 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 reassign-
ment of an individual whose appointment or assign-
ment under such paragraph has been terminated, 
and paragraph (5) on the circumstances under 
which an appointment or assignment under para-
graph (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. 1005. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated under 
section 403, 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 