To authorize certain authorities by the Department of State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2011

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize certain authorities by the Department of State, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Au-
 thorization Act, Fiscal Years 2012 and 2013”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—General Matters
Sec. 101. International Litigation Fund.
Sec. 102. Actuarial valuations.
Sec. 103. Special agents.
Sec. 104. Security enhancements for soft targets.
Sec. 105. Enhanced Department of State authority for uniformed security officers.
Sec. 106. Local guard contracts abroad under diplomatic security program.
Sec. 107. Extension of period for reimbursement for seized commercial fishermen.
Sec. 108. Authority to issue administrative subpoenas.
Sec. 109. Technical amendment to Federal Workforce Flexibility Act.
Sec. 110. Emergency Refugee and Migration Assistance Account.
Sec. 111. Reimbursement for use of Government vehicles overseas.
Sec. 112. Accountability review boards.
Sec. 113. Home-to-work transportation.

Subtitle B—Public Diplomacy

Sec. 121. Public diplomacy resource centers.
Sec. 122. Employment of noncitizens for international broadcasting.
Sec. 124. Personal services contracting program for the Broadcasting Board of Governors.
Sec. 125. Dissemination of public diplomacy information within the United States.
Sec. 126. Science and technology fellowships.
Sec. 127. Broadcasting Board of Governors.
Sec. 128. Journalist protection grants.
Sec. 129. Performance-based measurement reporting requirements for international exchange programs.
Sec. 130. Transfer of Vietnam Education Foundation to the Department of State.

Subtitle C—Consular Services and Related Matters

Sec. 141. Protections for refugees.
Sec. 142. Signed photograph requirement for visa applications.
Sec. 143. Electronic transmission of domestic violence information to visa applicants.
Sec. 144. Video conference interviews.
Sec. 145. Visa ineligibility for international child abductors.

TITLE II—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Modernizing the Department of State

Sec. 201. Conflict prevention, mitigation, and resolution training.
Sec. 203. Crisis response.
Sec. 204. Embassy design.
Sec. 205. Civilian stabilization operations.
Sec. 206. Maintenance cost sharing program.

Subtitle B—Foreign Services Overseas Pay Equity

Sec. 211. Short title.
Sec. 212. Overseas comparability pay adjustment.

Subtitle C—Other Organization and Personnel Matters

Sec. 221. Death gratuity.
Sec. 222. Expansion and extension of annuitant waiver for response readiness corps.
Sec. 223. Locally employed staff.
Sec. 224. Foreign relations exchange programs.
Sec. 225. Enhanced personnel authorities for the Inspector General of the Department of State.
Sec. 226. Amendment to the Foreign Service Act of 1980.
Sec. 227. Office for Global Women’s Issues.
Sec. 228. United States Agency for International Development Women’s Development Advisor.
Sec. 229. Home leave.
Sec. 230. Training support services.
Sec. 231. Extension of passport surcharge.
Sec. 232. Border crossing card fee for minors.

TITLE III—INTERNATIONAL ORGANIZATIONS

Sec. 301. Promoting assignments to international organizations.
Sec. 302. Synchronization of United States contributions to international organizations.
Sec. 303. Peacekeeping contributions.
Sec. 304. United States participation in the Inter-Parliamentary Union.
Sec. 305. Provision of living quarters and allowances to the United States Representatives to the United Nations.
Sec. 306. Recruitment and retention of United States citizens in international organizations.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Limitation on assistance to governments of countries in default.
Sec. 402. Increased authority to provide assistance for law enforcement forces.
Sec. 403. Building public awareness and dialogue.
Sec. 404. Exception to certain multiple award contract requirements.
Sec. 405. Millennium challenge assistance.
Sec. 407. Prohibitions on foreign assistance for the production of certain agricultural commodities.
Sec. 408. Sense of Congress regarding Central Asia.
Sec. 409. Global Health Initiative.
Sec. 410. Discrimination related to sexual orientation.
Sec. 411. Overseas Private Investment Corporation.
Sec. 412. Global Internet Freedom.
Sec. 413. International cyberspace and cybersecurity coordination.
Sec. 414. Promoting global access to connective technologies.
Sec. 415. Transition initiatives account.
Sec. 417. Report repeals.
SEC. 3. DEFINITIONS.

In this Act:

(1) APPOPRIATE CONGRESSIONAL COMMIT-TEES.—Except as provided in section 503(c), the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate
and the Committee on Foreign Affairs of the House of Representatives.

(2) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of State.

TITLE I—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—General Matters

SEC. 101. INTERNATIONAL LITIGATION FUND.

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

SEC. 102. ACTUARIAL VALUATIONS.

(a) AUTHORITY OF SECRETARY OF STATE TO MAKE ACTUARIAL VALUATIONS.—Section 818 of the Foreign Service Act of 1980 (22 U.S.C. 4058) is amended—

(1) in the first sentence, by striking “Secretary of the Treasury” and inserting “Secretary of State”;

and

(2) by amending the second sentence to read as follows: “The Secretary of State may expend such sums as may be necessary to administer the provi-
visions of this chapter, including actuarial advice, but
only to the extent and in such amounts as are pro-
vided in advance in appropriations acts.”.

(b) Authority of Secretary of State To De-
terminate Portion of Foreign Service Retirement
and Disability Fund Available for Investment.—
Section 819 of such Act (22 U.S.C. 4059) is amended by
striking “Secretary of the Treasury” the second place it
appears and inserting “Secretary of State”.

(c) Authority of Secretary of State To Pre-
scribe Mortality Tables.—Section 825(b) of such Act
(22 U.S.C. 4065(b)) is amended—

(1) by striking “subsection (a) (2), (3), or (4)”
and inserting “paragraph (2), (3), or (4) of sub-
section (a)”;

(2) by striking “Secretary of the Treasury” and
inserting “Secretary of State”.

(d) Authority of Secretary of State To Make
Periodic Valuations.—Section 859(c) of the Foreign
Service Act of 1980 (22 U.S.C. 4071h(c)) is amended—

(1) by striking “Secretary of the Treasury” and
inserting “Secretary of State”; and

(2) by striking “and shall advise the Secretary
of State of (1) the normal cost of the System, (2)
the supplemental liability of the System, and (3) the
amounts necessary to finance the costs of the System.” and inserting the following: “that will provide—

“(1) the normal cost of the System;
“(2) the supplemental liability of the System; and
“(3) the amounts necessary to finance the costs of the System.”.

SEC. 103. SPECIAL AGENTS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended—

(1) in subsection (a), by amending paragraph (1) 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, or authorities of the Department of State; and
“(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as such term is defined in section 7(9) of title 18, United States Code), except as that jurisdiction relates to the pre-
ises of United States military installations and
related residences;”; and
(2) by adding at the end the following:
“(d) Rule of Construction.—Nothing in sub-
section (a)(1) may be construed to limit the investigative
authority of any other Federal department or agency.”.

SEC. 104. SECURITY ENHANCEMENTS FOR SOFT TARGETS.
Section 29 of the State Department Basic Authorities
Act of 1956 (22 U.S.C. 2701) is amended by inserting
“physical security enhancements and” after “Such assist-
ance may include”.

SEC. 105. ENHANCED DEPARTMENT OF STATE AUTHORITY
FOR UNIFORMED SECURITY OFFICERS.
The State Department Basic Authorities Act of 1956
is amended by inserting after section 37 (22 U.S.C. 2709)
the following:

“SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE
UNITED STATES BY UNIFORMED GUARDS.
“(a) Enforcement Authorities for Uniformed
Guards.—The Secretary of State may authorize Depart-
ment of State uniformed guards to protect buildings and
areas within the United States for which the Department
of State provides protective services, including duty in
areas outside the property to the extent necessary to pro-
tect the property and persons in that area.
“(b) POWERS OF GUARDS.—While engaged in the performance of official duties as a uniformed guard under subsection (a), a guard may—

“(1) enforce Federal laws and regulations for the protection of persons and property;

“(2) carry firearms; and

“(3) make arrests without warrant for—

“(A) any offense against the United States committed in the guard’s presence; or

“(B) any felony cognizable under the laws of the United States if the guard has reasonable grounds to believe that the person to be arrested has committed, or is committing, such felony in connection with the buildings, areas, or persons for which the Department of State is providing protective services.

“(c) REGULATIONS.—

“(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, may prescribe such regulations as may be necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services, including reasonable penalties for violations of such regulations, within the limits prescribed in subsection (d).
“(2) Posting.—The regulations prescribed under paragraph (1) shall be posted in a conspicuous place on the property.

“(d) Penalties.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

“(e) Attorney General Approval.—The powers granted to guards designated under this section shall be exercised in accordance with guidelines approved by the Attorney General.

“(f) Relationship to Other Authority.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.”

SEC. 106. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.

(a) In General.—Section 136(c)(3) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)(3)), is amended to read as follows:

“(3) in evaluating proposals for such contracts, award contracts to technically acceptable firms offering the lowest evaluated price, except that—
“(A) the Secretary may award contracts on
the basis of best value (as determined by a cost-
technical tradeoff analysis); and

“(B) proposals received from United
States persons and qualified United States joint
venture persons shall be evaluated by reducing
the bid price by 10 percent;”.

(b) REPORT.—Not later than 1 year after the date
of the enactment of this Act, the Secretary shall submit
a report to Congress that describes the implementation of
section 136(c)(3) of the Foreign Relations Authorization
Act, Fiscal Years 1990 and 1991, as amended by sub-
section (a).

SEC. 107. EXTENSION OF PERIOD FOR REIMBURSEMENT
FOR SEIZED COMMERCIAL FISHERMEN.

Section 7(e) of the Fishermen’s Protective Act of
and inserting “2013”.

SEC. 108. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-
POENAS.

Section 3486 of title 18, United States Code, is
amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—
(i) in the matter preceding clause (i), by striking “of” and inserting “to”;

(ii) in clause (i)(II), by striking “or” at the end;

(iii) in clause (ii), by striking the comma at the end and inserting a semi-colon; and

(iv) by inserting after clause (ii) the following:

“(iii) an offense under section 878, or a threat against a person, foreign mission, or organization authorized to receive protection by special agents of the Department of State and the Foreign Service under section 37(a)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(3)) if the Assistant Secretary for Diplomatic Security or the Director of the Diplomatic Security Service determines that the threat constituting the offense or threat against the person or place protected is imminent, the Secretary of State; or

“(iv) an offense under chapter 75, the Secretary of State,”;
(B) by amending paragraph (9) to read as follows:

“(9) A subpoena issued under clause (i)(II), (ii), (iii), or (iv) of paragraph (1)(A) may require production as soon as possible, but in no event less than 24 hours after service of the subpoena.”; and

(C) by adding at the end the following:

“(11) As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(iii), the Secretary of State shall notify the Attorney General of such issuance.”; and

(2) in subsection (e)(1), by adding at the end the following: “This subsection shall only apply to administrative subpoenas issued under subsection (a)(1)(A)(i).”.

SEC. 109. TECHNICAL AMENDMENT TO FEDERAL WORKFORCE FLEXIBILITY ACT.

Chapter 57 of title 5, United States Code, is amended—

(1) in section 5753(a)(2)(A), by inserting “, excluding members of the Foreign Service other than chiefs of mission, ambassadors at large, and other members of the Foreign Service subject to examinations under section 302(b) of the Foreign Service
Act of 1980 (22 U.S.C. 3941(b))” before the semi-colon at the end; and

(2) in section 5754(a)(2)(A), by inserting “, excluding members of the Foreign Service other than chiefs of mission, ambassadors at large, and other members of the Foreign Service subject to examinations under section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941(b))” before the semi-colon at the end.

SEC. 110. EMERGENCY REFUGEE AND MIGRATION ASSISTANCE ACCOUNT.

Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) is amended—

(1) by striking “President” each place such term appears and inserting “Secretary of State”; and

(2) in paragraph (2), by striking “$100,000,000” and inserting “$200,000,000”.

SEC. 111. REIMBURSEMENT FOR USE OF GOVERNMENT VEHICLES OVERSEAS.

Section 28 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2700) is amended—

(1) by inserting “(a)” before “The Secretary”; and

(2) by adding at the end the following:
“(b) Funds received by the Department of State in connection with the use of vehicles owned or leased by the Government under subsection (a)—

“(1) may be credited to the appropriate account of the Department of State; and

“(2) if so credited, shall be available only for expenses related to the purchase, lease, maintenance, or operation of such vehicles.”.

SEC. 112. ACCOUNTABILITY REVIEW BOARDS.

(a) WAIVER FROM REQUIREMENT TO CONVENE ACCOUNTABILITY REVIEW BOARDS.—Section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) is amended to read as follows:

“(3) WAIVER AUTHORITY.—

“(A) IN GENERAL.—The Secretary of State may waive the requirement to convene a Board in the case of an incident that involves serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission.

“(B) WAIVER REQUIREMENTS.—If the Secretary waives the requirement under paragraph (1), the Secretary shall—
“(i) promptly notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of the incident;

“(ii) conduct an inquiry into the incident and the circumstances surrounding the incident; and

“(iii) upon completing the inquiry required by clause (ii), submit a report to each committee described in clause (i) that contains—

“(I) the findings and recommendations related to such inquiry; and

“(II) the actions taken with respect to such recommendations.”.

SEC. 113. HOME-TO-WORK TRANSPORTATION.

Section 1344(b)(4) of title 31, United States Code, is amended by inserting “the Deputy Secretary of State, the Deputy Secretary of State for Management and Resources,” before “principal diplomatic”.

Subtitle B—Public Diplomacy

SEC. 121. PUBLIC DIPLOMACY RESOURCE CENTERS.

(a) FINDINGS.—Congress makes the following findings:
(1) Of the 177 information resource centers operated by the Department of State as of February 2009—

(A) 87 (49 percent) operated on a “by appointment only” basis; and

(B) 18 (11 percent) did not permit any public access.

(2) Information resource centers located outside United States embassy compounds receive significantly more visitors than the centers located inside such compounds, including—

(A) twice the number of visitors in Africa;

(B) 6 times more visitors in the Middle East; and

(C) 22 times more visitors in Asia.

(3) Iran has increased the number of similar Iranian facilities, known as Iranian Cultural Centers, to about 60 throughout the world.

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

(1) the Secretary of State should initiate a re-examination of the public diplomacy platform strategy of the United States with a goal of reestablishing publicly accessible American Centers; and
(2) after taking into account relevant security considerations, the Secretary of State should consider placing United States public diplomacy facilities at locations conducive to maximizing their use, consistent with the authority given to the Secretary under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act.

SEC. 122. EMPLOYMENT OF NONCITIZENS FOR INTERNATIONAL BROADCASTING.

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

(1) by striking “In carrying out” and inserting the following:

“(a) AUTHORIZED ACTIVITIES.—In carrying out”;

(2) in subsection (a)(1), as redesignated, by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(3) by adding at the end the following:

“(b) DEFINED TERM.—As used in subsection (a)(1), the term ‘suitably qualified United States citizens’ means applicants who—

“(1) are United States citizens; and
“(2) are equally or better qualified than the applicants who are not United States citizens.”.

SEC. 123. RADIO FREE EUROPE AND RADIO LIBERTY PAY PARITY.

(a) In General.—Section 308(h)(1)(C) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)(C)) is amended by striking “, to pay up to three” and inserting “to pay employees, who are equivalent to senior executives under section 3132 of title 5, United States Code, senior level employees under section 5108 of such title, or scientific or professional employees under section 3104 of such title, a salary that is equal to or less than—

“(i) the rate of pay payable for level III of the Executive Schedule under section 5314 of such title; or

“(ii) if the Board certifies that the employees are covered by a performance appraisal system meeting the certification criteria established by regulation under section 5307(d) of such title, the rate of pay payable for level II of the Executive Schedule under section 5313 of such title.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect immediately after the expi-
ration of the pay freeze period required under section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242).

SEC. 124. PERSONAL SERVICES CONTRACTING PROGRAM FOR THE BROADCASTING BOARD OF GOVERNORS.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note), is amended—

(1) in the section heading, by striking “PILOT”;

(2) in subsection (a)—

(A) by striking “pilot”; 

(B) by striking “, without regard to Civil Service and classification laws,”; and 

(C) by adding at the end the following: “A personal services contractor hired pursuant to this section shall not be considered a Federal employee (as defined under section 2105 of title 5, United States Code) for any purpose.”;

(3) in subsection (b)—

(A) in paragraph (4), by striking “60” and inserting “125”; and 

(B) by adding at the end the following:
“(5) The annual salary rate for personal services contractors may not exceed the rate for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”; and

(4) in subsection (e), by striking “December 31, 2009” and inserting “December 31, 2014”.

SEC. 125. DISSEMINATION OF PUBLIC DIPLOMACY INFORMATION WITHIN THE UNITED STATES.

(a) APPLICATION OF CERTAIN LAWS.—Section 1333 of the Foreign Affairs Agencies Consolidation Act of 1998 (subdivision A of division G of Public Law 105–277; 22 U.S.C. 6552) is amended—

(1) in subsection (a), by inserting “or the international broadcasting programs as carried out by the Broadcasting Board of Governors after the transfer of functions pursuant to this subdivision” before the period at the end;

(2) in subsection (b), by adding at the end the following: “Nothing in section 501 (22 U.S.C. 1461), section 202 (22 U.S.C. 1461–1), or section 208 (22 U.S.C. 1461–1a) shall apply to prohibit or restrict international broadcast operations transferred to the Broadcasting Board of Governors pursuant to this subdivision.”; and
(3) in subsection (c), by adding at the end the following: “The limitation under this subsection shall not apply to funds authorized to be appropriated for international broadcasting programs carried out by the Broadcasting Board of Governors pursuant to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).”.


SEC. 126. SCIENCE AND TECHNOLOGY FELLOWSHIPS.

(a) In General.—Under the authority, direction, and control of the President, the Secretary of State, in accordance with the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), may increase the number of educational and cultural exchange activities involving persons from scientific, medical, research, and academic sectors by—

(1) establishing new programs under such Act; and

(2) expanding the coverage of existing programs under such Act.
(b) **Science Envoy Program.**—Section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d), is amended by adding at the end the following:

“(e)(1) The Secretary may award grants and enter into cooperative agreements related to science and technology fellowship programs of the Department of State, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

“(2) Grants awarded under this subsection may be—

“(A) part of the United States Science Envoy Program; and

“(B) used to select our Nation’s preeminent scientists, Nobel laureates, and leaders in technology who will travel overseas to represent the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise.

“(3) Stipends awarded under this subsection shall not be considered compensation for purposes of section 209 of title 18, United States Code.
“(4) The total amount of grants awarded under this subsection shall not exceed $2,000,000 in any fiscal year.”.

SEC. 127. BROADCASTING BOARD OF GOVERNORS.

(a) Elimination of Editorials as Broadcasting Principle of United States Government.—Section 303(b)(3) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(b)(3)) is amended by striking “, including editorials,”.

(b) Extension of Immunity from Civil Liability to Members of Broadcasting Board of Governors Acting in Capacity as Board Members of Middle East Broadcasting Networks, Inc.—Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)) is amended by striking “RFE/RL Incorporated and” and inserting “RFE/RL Incorporated, Middle East Broadcasting Networks, Inc., and”.

SEC. 128. JOURNALIST PROTECTION GRANTS.

Section 305(a)(15) of the United States International Broadcasting Act (22 U.S.C. 6204(a)(15)) is amended by adding the following:

“(C) To award and administer grants to support journalists writing and reporting for Broadcasting Board of Governors broadcasters in accord-
ance with the standards and principles contained in
section 303, including support in defending against
civil and criminal prosecution in jurisdictions outside
the United States.”.

SEC. 129. PERFORMANCE-BASED MEASUREMENT REPORTING REQUIREMENTS FOR INTERNATIONAL EXCHANGE PROGRAMS.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following:

“(h) Report on Secondary School Academic Year Exchange Programs.—Not later than 90 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2012 and 2013, and annually thereafter, the President shall submit a report to the Chairman of the Committee on Foreign Affairs of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that describes the performance of the secondary school programs for international students of the Bureau, including—

“(1) a description of each J-visa secondary exchange program and the objectives of each exchange;

“(2) the number of exchange student participants during the past year;
“(3) the total amount of Federal expenditures for such exchanges;

“(4) the total amount of fee-based income;

“(5) a description of duplicative programs;

“(6) the number of sponsor organizations that are designated by the Department of State to run international secondary school exchange programs;

“(7) a list of sponsor organizations against whom action has been taken by the Department of State, and the organizations’ remedial efforts, if any;

“(8) the types and number of incidents reported to the Bureau’s Office of Private Sector Exchange involving an international student;

“(9) the number of incidents per sponsoring organization that the Office of Private Sector Exchange has been made aware of, including serious problems or controversies such as the death of a student, an accident, an arrest, reports of sexual harassment and abuse, placement in substandard housing, placements with repeat sexual or other abuse offenders, and complaints logged against such repeat offender hosts;

“(10) the number of complaints reported to the Office of Private Sector Exchange by a student, host
family, natural parent, or an interested citizen regard-
ing the performance by a sponsor of its respon-
sibilities in the conduct of its designated exchange
visitor program as set forth in the Exchange Visitor
Program Regulations;

“(11) the number of visa designation compli-
ance auditing site visits made by United States Gov-
ernment officials to sponsoring organizations run-
ning or participating in international exchange pro-
grams, excluding routine contacts between staff and
officials of the Bureau and sponsoring organizations
as part of program management activities;

“(12) the number of Department of State per-
sonnel responsible for conducting the audits de-
scribed in paragraph (11) and the documentation
and follow up of the information gathered in such
audits;

“(13) a survey of international secondary school
academic year participants to determine their out-
look and obtain their recommendations regarding
their experiences with such programs;

“(14) an analysis of the implementation of new
rules, procedures, regulations, or reforms enacted by
the Department of State for the secondary school J-
visa exchange program;
“(15) the average academic year cost per international secondary school participant;

“(16) the numbers of hours program staff members and volunteers of the exchange program designated organizations are trained in secondary school academic year youth exchange oversight and monitoring and J-visa compliance, and by what type of resource; and

“(17) an analysis of best practices in the areas of recruitment and selection of host parents, program management of sponsor organizations, and other related issues used to run these international exchange programs.”.

SEC. 130. TRANSFER OF VIETNAM EDUCATION FOUNDATION TO THE DEPARTMENT OF STATE.

(a) PURPOSES.—Section 202 of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended by adding at the end the following:

“(3) To support the development of 1 or more academic institutions in Vietnam by providing financial assistance to United States institutions of higher education and not-for-profit organizations to participate in the governance, management, and academic activities of such academic institutions.”.
(b) DEFINITIONS.—Section 203 of such Act is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the Vietnam Education Foundation Advisory Committee established under section 205.”;

(2) by redesignating paragraph (4) as paragraph (6);

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following:

“(3) FUND.—The term ‘Fund’ means the Vietnam Debt Repayment Fund established under section 207;”; and

(5) by inserting after paragraph (4) the following:

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of State.”.

(c) ESTABLISHMENT.—Section 204 of such Act is amended—
(1) by inserting “, within the Bureau of Edu-
cational and Cultural Affairs of the Department of
State,” after “established”; and
(2) by striking “as an independent” and all
that follows through “Code”.

(d) REPLACEMENT OF BOARD OF DIRECTORS WITH
ADVISORY COMMITTEE.—Section 205 of such Act is
amended to read as follows:

“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY
COMMITTEE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There shall be established
a Vietnam Education Foundation Advisory Com-
mittee, which shall provide advice to the Secretary
and the Assistant Secretary for Educational and
Cultural Affairs regarding the Foundation’s activi-
ties.

“(2) MEMBERSHIP.—The Advisory Committee
shall be composed of 7 members, of whom—

“(A) 3 shall be appointed by the Secretary;

“(B) 1 shall be appointed by the majority
leader of the Senate;

“(C) 1 shall be appointed by the minority
leader of the Senate;
“(D) I shall be appointed by the Speaker of the House of Representatives; and

“(E) I shall be appointed by the minority leader of the House of Representatives.

“(3) APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.—Members appointed to the Advisory Committee may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date on which the Advisory Committee was established.

“(b) SUPERVISION.—The Foundation shall be subject to the supervision and direction of the Secretary, working through the Assistant Secretary for Educational and Cultural Affairs, and in consultation with the Advisory Committee.”.

(e) FELLOWSHIP PROGRAM.—Section 206(a)(1)(A) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended by striking “technology, and computer sciences” and inserting “academic computer science, public policy, management, and other applied academic disciplines relevant to Vietnam’s development”.

(f) VIETNAM DEBT REPAYMENT FUND.—Section 207 of such Act is amended—
(1) in subsection (a), by striking ``(in this sub-
section referred to as the ‘Fund’)’’; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2) and
inserting the following:

‘‘(1) IN GENERAL.—During each of the fiscal
years 2011 through 2018, $5,000,000 of the
amounts in the Fund shall be available, in accord-
ance with paragraph (2), for expenditure by—

‘‘(A) the Foundation;

‘‘(B) institutions of higher education (as
defined in section 101(a) of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1001(a))); and

‘‘(C) not-for-profit organizations engaged
in the promotion of institutional innovation in
Vietnamese higher education.

‘‘(2) DISBURSEMENT.—The Secretary of the
Treasury, upon the request of the Secretary, shall
transfer amounts made available under paragraph
(1) to—

‘‘(A) the Foundation for the purpose of
carrying out this title;

‘‘(B) institutions of higher education se-
lected by the Secretary for the purpose of estab-
ishing 1 or more academic institutions in Viet-
nam with graduate level programs in public policy, management, and related fields; and

“(C) not-for-profit organizations for the purpose of establishing a new, independent Vietnamese academic institution.”; and

(B) in paragraph (3), by striking “to the Foundation under paragraph (1)” and inserting “under this subsection”.

(g) APPOINTMENT OF EXECUTIVE DIRECTOR.—Section 208(a) of such Act is amended—

(1) in the subsection heading, by striking “BY BOARD”;

(2) by striking “There” and inserting the following:

“(1) IN GENERAL.—There”;

(3) by striking “shall be appointed by the Board” and inserting “may be appointed by the Secretary, in consultation with the Advisory Committee,”; and

(4) by striking “The Executive Director shall be” and all that follows and inserting the following:

“(2) DUTIES.—The Executive Director—

“(A) shall be the Chief Executive Officer of the Foundation;

“(B) shall serve the Advisory Committee;
“(C) shall carry out the functions of the Foundation subject to the supervision and direction of the Secretary;

“(D) shall carry out such other functions, consistent with the provisions of this title as the Secretary may prescribe.”.

(h) CONFORMING AMENDMENTS.—The Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended—

(1) in section 206(e), by striking “Board” and inserting “Secretary”;

(2) in section 207(d), by striking “Board” and inserting “Secretary”;

(3) in section 208(d), by striking “Board” and inserting “Secretary”; and

(4) in section 209—

(A) in subsection (a)(4), by striking “a majority of the members of the Board” and inserting “the Secretary”; and

(B) in subsection (b), by striking “Board” and inserting “Secretary”.

(i) MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—
(1) in the matter preceding paragraph (1), by striking “but not limited to”;

(2) in paragraph (8), by striking “and” at the end;

(3) in paragraph (9), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(10) programs administered by the Vietnam Education Foundation.”.

(j) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Bureau of Educational and Cultural Affairs of the Department of State.

(2) PERSONNEL.—The Assistant Secretary for Educational and Cultural Affairs may hire—

(A) personnel who were employed by the Vietnam Education Foundation on the day before the date of the enactment of this Act; and

(B) such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code (5 U.S.C. 2101 et seq.).
(k) Support for Institutional Innovation in Vietnam.—

(1) Grants Authorized.—The Secretary of State, acting through the Assistant Secretary for Educational and Cultural Affairs, may award 1 or more grants, for the purposes set forth in paragraph (2), to—

(A) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); and

(B) not-for-profit organizations engaged in the promotion of institutional innovation in Vietnamese higher education.

(2) Use of Funds.—Grant funds awarded under paragraph (1) shall be used to establish 1 or more academic institutions in Vietnam, with graduate level programs in public policy, management, and related fields, that—

(A) support the equitable and sustainable socioeconomic development of Vietnam;

(B) feature teaching and research components;

(C) promote the development of institutional capacity and innovation in Vietnam;
(D) operate according to core principles of
good governance; and

(E) are autonomous from the Government
of Vietnam.

(3) APPLICATION.—

(A) IN GENERAL.—Each institution of
higher education and not-for-profit organization
desiring a grant under this subsection shall
submit an application to the Secretary of State
at such time, in such manner, and accompanied
by such information as the Secretary may rea-
sonably require.

(B) COMPETITIVE BASIS.—The process for
selecting grantees under this subsection shall
conform to—

(i) the requirements set forth under
the Mutual Educational and Cultural Ex-
change Act of 1961 (22 U.S.C. 2451); and

(ii) established Federal assistance
award procedures of the Bureau of Edu-
cational and Cultural Affairs of the De-
partment of State.

(4) SOURCE OF GRANT FUNDS.—The Secretary
of State may use amounts from the Vietnam Debt
Repayment Fund made available under section
207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection.

(5) ANNUAL REPORT.—The Secretary of State shall submit an annual report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that summarizes the activities carried out under this subsection during the most recent fiscal year.

(l) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 90 days after the date of the enactment of this Act.

Subtitle C—Consular Services and Related Matters

SEC. 141. PROTECTIONS FOR REFUGEES.

(a) ADJUSTMENTS OF STATUS OF REFUGEES.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) ELIGIBILITY.—Any alien who has been admitted to the United States under section 207 shall, at the end of the 1-year period described in subpara-
graph (B), be eligible for adjustment of status as an immigrant to the United States if—

“(A) the alien’s admission has not been terminated by the Secretary of Homeland Security or the Attorney General pursuant to such regulations as the Secretary or the Attorney General may prescribe;

“(B) the alien has been physically present in the United States for at least 1 year; and

“(C) the alien has not acquired permanent resident status.”;

(B) in paragraph (2), by striking “(2) Any alien who is found upon inspection and examination” and inserting “(2) EFFECT OF ADJUSTMENT Any alien who is found”; and

(2) in subsection (c), by adding at the end the following: “An application for adjustment under this section may be filed on or after the date that is 3 months before the first date on which the applicant would be eligible for adjustment under this section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.
SEC. 142. SIGNED PHOTOGRAPH REQUIREMENT FOR VISA APPLICATIONS.

Section 221(b) of the Immigration and Nationality Act (8 U.S.C. 1201(b)) is amended by striking “signed by him”.

SEC. 143. ELECTRONIC TRANSMISSION OF DOMESTIC VIOLENCE INFORMATION TO VISA APPLICANTS.

Section 833(a)(5)(A) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (8 U.S.C. 1375a(a)(5)(A)) is amended by adding at the end the following:

“(iv) Subject to such regulations as the Secretary of State may prescribe, mailings required under this subsection may be transmitted by electronic means if an applicant consents to electronic service.”.

SEC. 144. VIDEO CONFERENCE INTERVIEWS.

(a) Pilot Program.—The Secretary of State may develop and conduct a 2-year pilot program for the processing of tourist visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants. In developing the pilot program, the Secretary of State shall work with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption.
(b) Report.—

(1) In general.—Not later than 1 year after initiating the pilot program under subsection (a) and not later than 3 months after the end of the 2-year period referred to in subsection (a), the Secretary of State shall submit a report on such pilot program to the appropriate congressional committees.

(2) Contents.—Each report submitted under this subsection shall—

(A) assess the efficacy and security of using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, including any effect such method may have on an interviewer’s ability to determine an applicant’s credibility and uncover fraud; and

(B) include recommendations on whether or not the pilot program should be continued, broadened, or modified.

SEC. 145. VISA INELIGIBILITY FOR INTERNATIONAL CHILD ABDUCTORS.

Section 212(a)(10)(C)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(iii)) is amended—

(1) in subclause (I), by adding “or” at the end;
(2) in subclause (II), by striking “; or” at the end and inserting a period; and

(3) by striking subclause (III).

TITLE II—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Modernizing the Department of State

SEC. 201. CONFLICT PREVENTION, MITIGATION, AND RESOLUTION TRAINING.

(a) IN GENERAL.—Section 708 of the Foreign Service Act of 1980 is amended by adding at the end the following:

“(d) The Secretary of State shall ensure that members of the Service, before receiving assignments that require new and improved skills—

“(1) receive language, security, area, civilian-military roles, and other training that is necessary to successfully execute their responsibilities in their new assignments; and

“(2) have opportunities during their careers to obtain advanced education and training in academic and other relevant institutions in the United States and in other countries to increase the capacity of the Service to fulfill its mission.
“(e) The Secretary of State shall ensure that relevant officers of the Foreign Service deploying to areas undergoing significant conflict or considered to be at risk of significant conflict receive appropriate advanced training in conflict prevention, mitigation, and resolution, including an understanding of—

“(1) peace processes, negotiations, and decision-making;
“(2) patterns of escalation;
“(3) country- and region-specific issues, including resource allocation, as contributing factors to peace or conflict;
“(4) related civilian-military coordination and planning; and
“(5) how to function successfully when—
“(A) public order has been undermined by instability; or
“(B) there is no civil authority that can effectively provide public safety.”.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that describes the efforts made by the Department of State to further expand and facilitate conflict prevention, mitigation, and resolution training, in accordance with section
SEC. 202. MASS ATROCITIES.

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

(1) the maintenance of global peace and security—

(A) is in the interest of the United States; and

(B) is threatened by acts of genocide and other mass atrocities against civilians;

(2) several studies, including “Preventing Genocide: A Blueprint for U.S. Policymakers,” published in December 2008 by the Genocide Prevention Task Force, which was co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen, offer recommendations to improve United States capabilities to predict, detect, respond to, and prevent mass atrocities; and

(3) the enhanced capacity to prevent and address such mass atrocities is in the humanitarian and strategic interests of the United States.

(b) EARLY WARNING ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the
Secretary of State shall submit, to the appropriate congressional committees, an assessment of—

(1) current methods to monitor indicators of potential mass atrocities and to identify precursors and patterns of escalation associated with such crimes against humanity;

(2) capabilities to provide early warnings to relevant agencies and appropriate congressional committees to reduce the risk of mass atrocities against civilians; and

(3) bilateral and multilateral tools available to the United States and the international community to mitigate the risk of mass atrocities against civilians.

SEC. 203. CRISIS RESPONSE.

(a) EXPANSION OF PERSONNEL DEFINITION.—The Reconstruction and Stabilization Civilian Management Act of 2008 (title XVI of Public Law 110–417) is amended—

(1) in section 1603 (22 U.S.C. 2734a note), by amending paragraph (5) to read as follows:

“(5) PERSONNEL.—The term ‘personnel’ means—

“(A) individuals serving in any service described in section 2101 of title 5, United States
Code, other than in the legislative or judicial branch;

“(B) individuals employed by personal services contract, including individuals employed pursuant to—

“(i) section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)); or


“(C) individuals appointed under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943); and

“(D) locally employed staff who are employed by participating agencies.”; and

(2) in section 1606(b) (22 U.S.C. 2734a(b)), by inserting “and to provide any related support” after “assign personnel of such agency”.

(b) DEPARTMENT OF STATE ORGANIZATION.—Section 62 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2734) is amended by adding at the end the following:

“(d) EXCEPTION TO CIVIL SERVICE PROVISIONS.—
“(1) IN GENERAL.—The Secretary of State may—

“(A) select and appoint employees without regard to the provisions of title 5, United States Code, governing appointment in the competitive service; and

“(B) may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title 5.

“(2) DELEGATION.—The Secretary of State may authorize the head of any agency to exercise the authority set forth in paragraph (1).

“(3) DEFINED TERM.—In this subsection, the term ‘employees’ means individuals who—

“(A) qualify as an employee (as defined in section 2105 of title 5, United States Code); and

“(B) are appointed on a time-limited basis solely to carry out reconstruction and stabilization activities in accordance with this section.”.

SEC. 204. EMBASSY DESIGN.

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

(1) Embassies—
(A) are an important reflection of American values, openness, ingenuity, and innovation;

(B) should reflect the best of United States design, architecture, sustainability, and technology; and

(C) should maintain security as a top priority.

(2) As the Honorable Daniel Patrick Moynihan noted, and as President John F. Kennedy stated in his address to the Massachusetts legislature on January 9, 1961, “It should be our object to meet the test of Pericles’ evocation to the Athenians . . . We do not imitate—for we are a model to others.”

(3) In his seminal memo entitled “Guiding Principles for Federal Architecture,” Senator Moynihan laid out the following core principles:

(A) “The policy shall be to provide requisite and adequate facilities in an architectural style and form which is distinguished and which will reflect the dignity, enterprise, vigor, and stability of the American National Government.”.

(B) “The development of an official style must be avoided . . . The advice of distin-
guished architects, as a rule, ought to be sought
prior to the award of important design con-
tracts.”.

(C) “The choice and development of the
building site should be considered the first step
of the design process.”.

(4) The principles set forth in paragraph (3)
provide the foundation for the Design Excellence
Program of the General Services Administration
(GSA), which—

(A) establishes nationwide policies and pro-
cedures for selecting distinguished architects
and artists for GSA commissions; and

(B) implements rigorous review processes
to produce facilities and civic artworks of out-
standing quality and value.

(5) Section 401 of the Energy Independence
and Security Act of 2007 (Public Law 110–140) de-
defines a high performance building as “a building
that integrates and optimizes on a life cycle basis all
major high performance attributes, including energy
conservation, environment, safety, security, dura-
bility, accessibility, cost-benefit, productivity, sus-
tainability, functionality, and operational consider-
ations”.

S 1426 IS
(6) The 2009 report by the American Institute of Architects entitled “Design for Diplomacy: New Embassies for the 21st Century” states that there was “significant interest in developing an approach that would enable architects and engineers to design embassies that reflected the unique needs of a site at a foreign post.”.

(7) In the 2007 Center for Strategic and International Studies report entitled “The Embassy of the Future,” the Embassy of the Future Commission makes the following statements:

(A) “The new embassy facilities have in some places created the perception among some of a fearful United States, retreating behind high walls and isolating itself from the people it is trying to reach.”.

(B) “The commission believes that it is important to meet security needs in ways that reflect the new diplomatic job.”.

(C) “[S]etbacks, barriers, and other security features can be designed in ways that integrate security with the overall building design and surroundings.”.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to adopt design excellence as a man-
date to advance a new generation of secure, high-performance, sustainable embassies and diplomatic facilities in support of United States diplomacy.

(c) Sense of Congress on Colocation and Security Requirements.—It is the sense of Congress that—

(1) the Secretary of State should consider placing United States Government personnel at locations conducive to maximizing their use when assessing the necessity and efficiency of colocating all United States Government personnel at a single site;

(2) while cost efficiency considerations may justify the consolidation of multiple Federal departments and agencies in a single location, such a determination should not be made without taking into account other crucial policy considerations;

(3) the Secretary should consider alternative location arrangements that do not affect the strength and appropriateness of security arrangements for United States Government personnel;

(4) security standards must remain uniformly high in all locations hosting United States Government personnel;

(5) the perimeter distance requirement set forth under section 606(a)(3) of the Secure Embassy Con-
struction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(3)) imposes a uniform security standard for all diplomatic facilities regardless of country context or specific security needs;

(6) a more thoughtful approach would tailor specific security requirements, such as perimeter distance requirements, to particular security considerations in a given country; and

(7) while Congress intends for every country with diplomatic representation to have a modern, secure, safe, and functional facility, Congress recognizes the importance of integrating security and cost with the long-term impact on the mission of the Department of State.

(d) DIPLOMATIC FACILITIES TASK FORCE.—

(1) IN GENERAL.—The Secretary of State shall establish a diplomatic facilities task force (referred to in this subsection as the “task force”) to—

(A) review existing regulations, standards, and procedures to implement paragraphs (2) and (3) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)); and

(B) make appropriate recommendations—
(i) to modify or revoke such regulations, standards, and procedures; and

(ii) to modify the regulations, standards, and procedures under such Act.

(2) COMPOSITION.—The task force shall be composed of 7 members, of whom—

(A) 3 shall be appointed by the Secretary from among senior career professionals of the Department of State with different personnel backgrounds, at least 2 of whom shall be from the Foreign Service;

(B) 3 shall be appointed by the Secretary, in consultation with the Senate, from among professionals outside the United States Government with significant knowledge and experience in construction and security issues; and

(C) 1 shall be appointed by the Administrator of the Agency for International Development (USAID) from among senior foreign service officers of USAID.

(3) DEADLINE FOR APPOINTMENTS.—All members of the task force shall be appointed not later than 60 days after the date of the enactment of this Act.
(4) TERMINATION.—The task force shall terminate on the date on which the Secretary submits the assessment required under subsection (c) to Congress.

(e) REPORTS.—

(1) DIPLOMATIC FACILITIES TASK FORCE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

(A) the recommendations made by the diplomatic facilities task force under subsection (e)(1)(B); and

(B) the impact of such recommendations on the operations of, and security standards for, United States diplomatic facilities.

(2) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 120 days after the submission of the report under paragraph (1), the Comptroller General of the United States shall submit a report to the appropriate congressional committees that contains—
(A) a review of, and comments on, the recommenda-
tions made by the diplomatic facilities
 task force under subsection (e)(1)(B); and

(B) the Comptroller General’s recom-
 mendations for improving the security stand-
 ards at all United States diplomatic facilities.

SEC. 205. CIVILIAN STABILIZATION OPERATIONS.

Section 618 of the Foreign Assistance Act of 1961
(22 U.S.C. 2368) is amended—

(1) in subsection (a), by striking “(a) ASSIST-
 ANCE.—” ; and

(2) by striking subsection (b).

SEC. 206. MAINTENANCE COST SHARING PROGRAM.

Section 604(e)(1) of the Secure Embassy Construc-
tion and Counterterrorism Act of 1999 (22 U.S.C. 4865
note) is amended by striking “providing new,” and insert-
ing “providing, maintaining, repairing, and renovating”.

Subtitle B—Foreign Services

Overseas Pay Equity

SEC. 211. SHORT TITLE.

This subtitle may be cited as the “Foreign Service
Overseas Pay Equity Act of 2011”.

SEC. 212. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

(a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—
(1) In general.—Chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 et seq.) is amended by adding at the end the following:

"SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

"(a) In general.—A member of the Service who is designated class 1 or below for purposes of section 403 and whose official duty station is neither in the continental United States nor in a nonforeign area shall receive, in accordance with the phase-in schedule set forth in subsection (c), a locality-based comparability payment (stated as a percentage) equal to the locality-based comparability payment (stated as a percentage) that would be provided under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

"(b) Treatment as basic pay.—The amount of any locality-based comparability payment payable to a member of the Service under this section—

"(1) shall be considered a part of the basic pay of such member for the purposes described in—

"(A) section 5304(c)(2)(A) of title 5, United States Code; and

"(B) chapter 8 of this Act; and
“(2) shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

“(c) Phase-In.—The locality-based comparability payment payable to a member of the Service under this section—

“(1) during the period beginning on the first day of the first full pay period that is 90 days after the date of the enactment of this subsection, and ending on the last day of the last pay period in fiscal year 2009, shall be up to 33.33 percent of the payment which would otherwise apply under subsection (a);

“(2) during the period beginning on the first day of the first pay period in fiscal year 2010 and ending on the last day of the last pay period in fiscal year 2011, shall be up to 66.67 percent of the payment which would otherwise apply under subsection (a); and

“(3) beginning on the first day of the first pay period in fiscal year 2012, shall be equal to the payment determined under subsection (a).

“(d) Nonforeign Area Defined.—In this section, the term ‘nonforeign area’ means one of the areas listed
in section 591.205 of title 5, Code of Federal Regulations.’’.

(2) CONFORMING AMENDMENT.—The table of contents under section 2 of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended by inserting after the item relating to section 414 the following:

“Sec. 415. Overseas comparability pay adjustment.’’.

(b) CONFORMING AMENDMENTS RELATING TO THE FOREIGN SERVICE RETIREMENT SYSTEMS.—

(1) CONTRIBUTIONS TO THE FUND.—

(A) IN GENERAL.—Section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)) is amended—

(i) in paragraph (1)—

(I) by striking ‘‘7.25 percent’’ and inserting ‘‘7 percent’’; and

(II) by striking ‘‘The contribution by the employing agency’’ and all that follows through ‘‘and shall be made’’ and inserting ‘‘An equal amount shall be contributed by the employing agency’’;

(ii) in paragraph (2)—
(I) in subparagraph (A), by strik-
ing “, plus an amount equal to .25
percent of basic pay”; and

(II) in subparagraph (B), by
striking “, plus an amount equal to
.25 percent of basic pay”; and

(iii) in paragraph (3), by striking “,
plus .25 percent”.

(B) EFFECTIVE DATE.—The amendments
made by subparagraph (A) shall take effect on
the first day of the first pay period beginning
on or after October 1, 2012 (or during any por-
tion of such pay period).

(2) COMPUTATION OF ANNUITIES.—Section
806(a)(9) of the Foreign Service Act of 1980 (22
U.S.C. 4046(a)(9)) is amended by striking “is out-
side the continental United States shall” and insert-
ing “was outside the continental United States dur-
ing the period beginning on December 29, 2002, and
ending on the day before the first day of the first
pay period beginning on or after October 1, 2011,
shall, to the extent that such computation is based
on the basic salary or basic pay of such member
while the member was outside the United States,”.
(3) Entitlement to Annuity.—Section 1855(a)(3) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(a)(3)) is amended—

(A) by striking “section 8414” and inserting “section 8415”; and

(B) by striking “is outside the continental United States shall” and inserting “was outside the continental United States during the period beginning on December 29, 2002, and ending on the day before the first day of the first pay period beginning on or after October 1, 2012 (or during any portion of such pay period), shall, to the extent that such computation is based on the basic salary or basic pay of such member while the member was outside the United States,”.

(4) Deductions and Withholdings from Pay.—Section 856(a)(2) of such Act (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

“(2) The applicable percentage specified in this paragraph shall be as follows:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5</td>
<td>Before January 1, 1999.</td>
</tr>
<tr>
<td>Percentage</td>
<td>Time Period</td>
</tr>
<tr>
<td>------------</td>
<td>-------------</td>
</tr>
<tr>
<td>7.55</td>
<td>January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2012.</td>
</tr>
<tr>
<td>7.5</td>
<td>Beginning on the first day of the first pay period beginning on or after October 1, 2012.</td>
</tr>
</tbody>
</table>

(c) **REPORTING REQUIREMENT.**—Not later than October 1, 2012, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Government Reform of the House of Representatives that includes—

1. (1) an assessment of all allowances provided to members of the Foreign Service under—
   (A) the Foreign Service Act of 1980; or
   (B) title 5, United States Code; and
2. (2) an explanation of how such allowances have been, or will be, affected by the amendments to the Foreign Service Act of 1980 made under this Act.

**Subtitle C—Other Organization and Personnel Matters**

**SEC. 221. DEATH GRATUITY.**

Section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)) is amended by striking “at the time
of death.” and inserting “at level II of the Executive Schedule under section 5313 of title 5, United States Code, at the time of death except that for employees compensated under a local compensation plan established under section 408, the amount of such gratuity shall be equal to the greater of 1 year’s salary at the time of death or 1 year’s basic salary at the highest step of the highest grade on the local compensation plan from which the employee was being paid at the time of death.”.

SEC. 222. EXPANSION AND EXTENSION OF ANNUITANT WAIVER FOR RESPONSE READINESS CORPS.

(a) Amendments to State Department Basic Authorities Act of 1956.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(1) in paragraph (1), by striking “or to posts vacated” and inserting “, to positions in the Response Readiness Corps, or to posts vacated”; and

(2) in paragraph (2), by striking “2010” and inserting “2012”.

(b) Amendments to Foreign Assistance Act of 1961.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) is amended—
(1) in subparagraph (A), by striking “or to posts vacated” and inserting “, to positions in the Response Readiness Corps, or to posts vacated”; and

(2) in subparagraph (B), by striking “2010” and inserting “2012”.

SEC. 223. LOCALLY EMPLOYED STAFF.

(a) FINDINGS.—Based on information obtained from the April 2009 report from the Office of the Inspector General of the Department of State and the Broadcasting Board of Governors entitled “Review of Locally Employed Staff Compensation Issues” (Report Number ISP–I–09–44), Congress makes the following findings:

(1) United States embassies and consulates worldwide retain over 51,000 locally employed staff under local compensation plans in about 170 overseas missions. “The U.S. is falling behind in providing a competitive compensation package for locally employed staff that is commensurate with their experience, technical skills, and responsibilities.”.

(2) The ability of United States overseas missions to retain locally employed staff and to recruit new, qualified staff is vital to the success of those missions.

(3) To address differences in the skill levels required for different categories of locally employed
staff positions, the Inspector General’s report recom-
mended that “separate data and separate scales
should be established for certain types of employ-
ees”.

(4) The current locally employed staff com-
pensation review process requires improvement, in-
cluding increasing transparency and interagency in-
volvement, reducing disparities between the salary
and budget cycles, and improving the use of out-
moded and cumbersome communication technology.

(b) Review.—

(1) In general.—Not later than 180 days
after the date of the enactment of this Act, and not
less than every 5 years thereafter, the Secretary of
State shall—

(A) review salary and compensation guide-
lines for overseas, locally employed staff of the
Department of State;

(B) review—

(i) whether the United States is fall-
ing behind in providing a competitive com-
pensation package for locally employed
staff that is commensurate with their expe-
ience, technical skills, and responsibilities;
and
(ii) the implications for providing average salary increases that are approximately 60 percent of prevailing practice;

(C) provide recommendations on how to recruit new, qualified staff; and

(D) provide recommendations for separate data and a separate pay scale for highly skilled and trained professional positions.

(2) COMPENSATION DATABASE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a comprehensive database for salary and compensation information for such staff, as recommended by the Office of Inspector General in the report referred to in subsection (a).

(3) PAY SCALES FOR LOCALLY EMPLOYED PROFESSIONALS.—The review conducted under paragraph (1)(A) shall include a summary of efforts to address pay scales for locally employed staff to ensure adequate compensation for professional level positions, such as medical officers, laboratory management, public health information technology positions, and other highly skilled positions.

(c) GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State
shall consult with appropriate congressional committees on proposed guidelines for awards, pay scales, and compensation of overseas, locally employed staff of the Department of State, including compensation for loss of life while on duty.

(d) Locally Employed Staff Defined.—In this section, the term “locally employed staff” means employees compensated under local compensation plans established under section 408 of the Foreign Service Act of 1980 (22 U.S.C. 3968).

SEC. 224. FOREIGN RELATIONS EXCHANGE PROGRAMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following:

“SEC. 63. FOREIGN RELATIONS EXCHANGE PROGRAMS.

“(a) In General.—The Secretary may establish exchange programs under which officers or employees of the Department of State, including individuals appointed under title 5, United States Code, and members of the Foreign Service, may be assigned, for a period not to exceed 1 year, to a position with any foreign government or international entity that permits an employee to be assigned to a position with the Department of State.

“(b) Salary and Benefits.—
“(1) FOREIGN SERVICE MEMBERS.—During a period in which a member of the Foreign Service is participating in an exchange program authorized under subsection (a), such member shall be entitled to the salary and benefits to which such member would be entitled if such member were assigned to an agency, international organization, or other body under section 503 of the Foreign Service Act of 1980 (22 U.S.C. 3983).

“(2) DETAILLEES.—An employee of the Department of State (other than a member of the Foreign Service participating in an exchange program authorized under subsection (a)) shall be treated in all respects as if detailed to an international organization under section 3343(b) of title 5, United States Code. The salary of such employee shall be the higher of the salary that the employee would receive but for the assignment under this section or the salary of the position to which the employee is assigned.

“(3) PAYMENT.—The salary and benefits of an employee of a foreign government or international entity participating in a program established under this section shall be paid by such government or entity during the period in which such employee is par-
ticipating in the program, and shall not be reim-
bursed by the Department of State.
“(c) NONRECIPIROCAL ASSIGNMENTS.—The Sec-
retary may authorize a nonreciprocal assignment of per-
sonnel pursuant to this section, with or without reimburse-
ment from the foreign government or international entity
for all or part of the salary and other expenses payable
during the assignment, if such assignment is in the inter-
ests of the United States.
“(d) RULE OF CONSTRUCTION.—Nothing in this sec-
tion may be construed to authorize the appointment as
an officer or employee of the United States of—
“(1) an individual whose allegiance is to any
country, government, or foreign or international en-
tity other than the United States; or
“(2) an individual who has not met the require-
ments of sections 3331, 3332, 3333, and 7311 of
title 5, United States Code, and any other provision
of law concerning eligibility for appointment, and
continuation of employment, as an officer or em-
ployee of the United States.”.
SEC. 225. ENHANCED PERSONNEL AUTHORITIES FOR THE
INSPECTOR GENERAL OF THE DEPARTMENT
OF STATE.
(a) DEFINITIONS.—In this section:
(1) **ANNUITANT.**—The term “annuitant” means an individual who, based on the service of such individual, is entitled to benefits under a retirement system for Government employees.

(2) **GOVERNMENT EMPLOYEE.**—The term “Government employee” has the meaning given the term “employee” in section 2105(a) of title 5, United States Code.

(3) **INSPECTOR GENERAL.**—The term “Inspector General” means the Inspector General of the Department of State.

(4) **OFFICE.**—The term “Office” means the Office of Inspector General of the Department of State.

(b) **PROVISIONS RELATING TO REEMPLOYED ANNUITANTS.**—

(1) **WAIVER AUTHORITY.**—Subject to the conditions set forth in paragraph (3), the Inspector General may waive the application of any provision of law set forth in paragraph (2) on behalf of any re-employed annuitant serving in a position within the Office.

(2) **PROVISIONS.**—The provisions of law set forth in this paragraph are—
(A) subsections (a) through (d) of section 8344 of title 5, United States Code;

(B) subsections (a) through (e) of section 8468 of title 5, United States Code;

(C) subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064); and

(D) any other similar provision of law, as identified by the Inspector General in regulations.

(3) CONDITIONS.—Waiver authority under this subsection may be exercised only—

(A) on a case-by-case basis; and

(B) if, and for so long as, such waiver—

(i) is necessary due to—

(I) difficulty in the recruitment or retention of a qualified employee for the position involved; or

(II) a temporary emergency hiring need; and

(ii) does not cause the number of employees within the Office who are exempted from 1 or more of the provisions of law set forth in paragraph (2) (whether pursuant to a waiver under this subsection or other-
(4) OTHER AUTHORITIES NOT AFFECTED.—The authority under this subsection is in addition to any other authority available to the Inspector General to engage individuals as reemployed annuitants.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to permit or require that any reemployed annuitant benefitting from a waiver of a provision of law set forth in paragraph (2) be treated as a Government employee for purposes of the retirement system to which such provision relates.

(e) PROVISIONS RELATING TO CONTRACTS FOR PERSONAL SERVICES.—

(1) IN GENERAL.—The Inspector General may contract with United States citizens for personal services to facilitate and support the Office’s oversight of programs and operations. Such citizens shall not, by virtue of any such contract, be considered to be Government employees for purposes of any law administered, in whole or in part, by the Office of Personnel Management.
(2) Relation to Other Laws.—Except as provided in paragraph (2), this subsection shall not affect any determination as to whether an individual performing services pursuant to any contract under this subsection is a Government employee for purposes of any law of the United States. The Secretary of State may determine the applicability, with respect to any such individual, of any law administered, in whole or in part, by the Secretary.

(3) Conditions.—The Inspector General may not enter into a personal services contract under this subsection unless—

(A) in the judgment of the Inspector General, personnel resources of the Office would otherwise be insufficient;

(B) the contract is for a term of 2 years or less, unless the Inspector General determines that exceptional circumstances justify an extension of not longer than 1 additional year; and

(C) not more than 15 percent of the workforce of the Office, as of any given date, consists of individuals serving under personal services contracts (whether entered into under this subsection or otherwise), determined on a full-time equivalent basis.
(4) Other authorities not affected.—The authority under this subsection is in addition to any other authority available to the Inspector General to engage individuals under a personal services contract.

(d) Report.—In the Office of Inspector General’s semiannual report to Congress, the Inspector General shall include information on the hiring of annuitants under this section and the rationale for such hiring.

SEC. 226. AMENDMENT TO THE FOREIGN SERVICE ACT OF 1980.

Section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is amended—

(1) in subsection (c), by striking paragraph (5); and

(2) in subsection (d)(2)—

(A) in subparagraph (D), by adding “and” at the end;

(B) in subparagraph (E), by striking “; and” and inserting a period; and

(C) by striking subparagraph (F).

SEC. 227. OFFICE FOR GLOBAL WOMEN’S ISSUES.

(a) Establishment.—

(1) In general.—There is established, in the Office of the Secretary of State, the Office for Glob-
al Women’s Issues (referred to in this section as the
“Office”).

(2) STAFF.—The Secretary of State may assign
appropriate staff with relevant technical and oper-
tional expertise to the Office to carry out the pur-
poses of this section.

(b) AMBASSADOR-AT-LARGE FOR GLOBAL WOMEN’S
ISSUES.—The Office shall be headed by an Ambassador-
at-Large for Global Women’s Issues (referred to in this
section as the “Ambassador”), who—

(1) shall be appointed by the President, by and
with the advice and consent of the Senate;

(2) shall report directly to the Secretary of
State; and

(3) shall have the rank and status of Ambas-
sador-at-Large.

(c) DUTIES.—

(1) IN GENERAL.—The Ambassador is author-
ized to—

(A) coordinate and advise on activities,
policies, programs, and funding of relevant bu-
reaus and offices of the Department of State,
which relate to—

(i) gender integration;
(ii) women’s and girls’ economic, social, and legal development, protection, and improvement in role and status in societies; and

(iii) prevention and response to violence against women and girls, including child marriage and forced marriage;

(B) promote and advance the full integration of gender analysis into the programs, structures, processes, and capacities of the Department of State and other Federal Government agencies conducting international programs;

(C) work with relevant offices of the Department of State to promote the collection, retention, and analysis of data on programs and activities of the Department—

(i) to integrate gender into its policies and programs;

(ii) regarding the protection and economic, social, and legal development of women and girls;

(iii) to improve the role and status of women and girls in societies; and
(iv) to prevent and respond to violence
against women and girls, including child
marriage and forced marriage; and
(D) design, support, and implement rel-
evant activities and programs regarding inter-
national girls’ and women’s issues, in coordina-
tion with relevant bureaus and offices of the
Department of State.

(2) COORDINATING ROLE.—The Ambassador is
authorized to—

(A) advise and coordinate with relevant
Executive Branch agencies engaged in inter-
national women’s policies and programs, includ-
ing the Department of Justice, the Department
of Labor, the Department of Education, the
Department of Health and Human Services, the
Department of Agriculture, the Department of
Defense, the Department of Commerce, the
United States Agency for International Devel-
opment, and the Millennium Challenge Corpora-
tion, on policies, programs, and funding of such
agencies relating to women’s issues in their
international programs and policies; and

(B) work with the relevant Executive
Branch agencies described in subparagraph (A)
to compile and make public comprehensive in-
formation about international programs of the
United States Government relating to—

(i) the economic, social, and legal de-
development of women and girls;
(ii) the protection of women and girls;
(iii) the improvement of the role and
status of women and girls in societies;
(iv) the prevention of, and response
to, violence against women and girls, in-
cluding child marriage and forced mar-
riage; and
(v) the outcomes and effectiveness of
such programs.

(3) Diplomatic Representation.—Subject to
the direction of the President and the Secretary of
State, the Ambassador is authorized to represent the
United States in matters relevant to the status of
women internationally.

(d) Interagency Cooperation.—

(1) Authorization.—The Ambassador is au-
thorized—

(A) to provide advice and guidance, as ap-
propriate, to the Federal Government agencies
described in subsection (c)(2)(A); and
(B) on behalf of the Secretary of State, to convene periodic meetings with other Federal Government agencies to enhance and ensure effective coordination of policies, programs, and resources regarding critical issues related to international women’s status and development.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that the heads of the relevant Federal Government agencies described in subsection (c)(2)(A) should ensure effective implementation and coordination of all international women’s policies and programs by sharing information with the Office on programs described in subsection (c)(2)(B) on an annual basis.

(e) CONGRESSIONAL BRIEFINGS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Ambassador shall brief Congress on the integration of gender considerations into its strategies, programming, and associated outcomes, and inter-agency cooperation.

(f) STATEMENT OF POLICY.—The United States Government remains committed to programs that seek to eliminate sex-selective abortion, coercive abortion, and involuntary sterilization.
(g) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2012 through 2016 to carry out the activities authorized under this section.

SEC. 228. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT WOMEN'S DEVELOPMENT ADVISOR.

(a) Establishment.—

(1) In general.—There is established, within the Office of the Administrator of the United States Agency for International Development (referred to in this section as “USAID”), the Senior Coordinator for Gender Equality and Women’s Empowerment (referred to in this section as the “Coordinator”). The USAID Administrator may assign appropriate staff with relevant technical and operational expertise to the Coordinator as may be needed to assist the Coordinator in carrying out the purposes of this section.

(2) Support Staff.—The Office of Gender Equality and Women’s Empowerment shall report programmatically to the Coordinator. A Senior Gender Advisor shall be appointed within the Policy, Planning, and Learning Bureau to help provide internal policy guidance and oversight ensuring gender
integration throughout the USAID. The USAID Administrator may assign additional staff with technical and operational expertise to assist the Senior Gender Advisor in carrying out the purposes of this section.

(b) DUTIES.—

(1) IN GENERAL.—The Coordinator is authorized—

(A) to participate in high level strategic policy, planning, operations, and evaluations throughout all regional and functional disciplines of USAID;

(B) to coordinate and advise USAID efforts to integrate gender in foreign assistance design, strategy, and programs;

(C) to help shape efforts to promote gender equality and women’s empowerment, including—

(i) programs promoting gender integration;

(ii) women’s and girls’ economic, social, and legal advancement and protection; and

(iii) efforts to combat sexual and gender-based violence; and
(D) to collect and make publicly available data and analysis on gender integration activities, women’s development, and strategies for gender-based violence prevention and response, in accordance with agency-wide mechanisms for data collection, monitoring, and evaluation.

(2) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the USAID Administrator, the Coordinator is authorized to represent the United States in matters relevant to the status of women internationally.

(c) CONGRESSIONAL BRIEFINGS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the USAID Administrator or the Coordinator shall provide information to Congress that describes the status of efforts to integrate attention to gender, women’s development, and gender-based violence prevention and response into USAID strategies, programming, and associated outcomes.

SEC. 229. HOME LEAVE.

(a) HOME LEAVE TRAVEL FOR FAMILY MEMBERS.—Section 901(2) of the Foreign Service Act of 1980 (22 U.S.C. 4081(2)) is amended to read as follows:

“(2) authorized or required home leave, including optional home leave travel, in an amount that
does not exceed the cost, per person, of the member
of the Service, by—

“(A) family members residing at the em-
ployee’s post of assignment; and

“(B) family members residing at other au-
thorized locations because they are prevented by
official order from residing at post;”.

(b) Home Leave Technical Amendment.—Sec-
tion 903(a) of the Foreign Service Act of 1980 (22 U.S.C.
4083(a)) is amended by striking “18 months of contin-
uous service abroad” and inserting “12 months of contin-
uous service abroad (or after a shorter period of such serv-
ice if the member’s assignment is terminated for the con-
venience of the Service)”.


Section 704(a)(4)(B) of the Foreign Service Act of
1980 (22 U.S.C. 4024(a)(4)(B)) is amended—

(1) by inserting “education and training spe-
cialists, including” after “to serve as”; and

(2) by striking “other academic and training
specialists” and inserting “other specialists who per-
form work directly relating to the design, delivery,
oversight, or coordination of training delivered by
the institution”.

S 1426 18
SEC. 231. EXTENSION OF PASSPORT SURCHARGE.

Section 1(b) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 232. BORDER CROSSING CARD FEE FOR MINORS.

Section 410(a)(1)(A) of the Department of State and Related Agencies Appropriations Act, 1999 (title IV of division A of Public Law 105–277) is amended by striking “a fee of $13” and inserting “a fee equal to 1⁄2 of the fee that would otherwise apply for processing a machine readable combined border crossing identification card and nonimmigrant visa”.

TITLE III—INTERNATIONAL ORGANIZATIONS

SEC. 301. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

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

(1) ensure that the Department of State is able to appropriately staff United States missions both within the United States and abroad that are dedicated to representing the United States to international organizations and multilateral institutions,
including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris;

(2) train persons with the specialized skills that are necessary to become experts in multilateral diplomacy in order to fill the many positions in the United States and abroad that are dedicated to this specialty; and

(3) consider as a factor for promotions whether a member of the Foreign Service has served in a position whose primary responsibility is to formulate policy toward, or represent the United States at, an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument.

SEC. 302. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

In accordance with section 404 of the Foreign Relations Authorization Act of 2003 (Public Law 107–228; 116 Stat. 1389), there are authorized to be appropriated such sums as may be necessary for the synchronization of United States contributions to international organizations.
SEC. 303. PEACEKEEPING CONTRIBUTIONS.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note), is amended by adding at the end the following:

“(vi) For assessments made during calendar year 2011 and thereafter, 27.5 percent.”.

SEC. 304. UNITED STATES PARTICIPATION IN THE INTER-PARLIAMENTARY UNION.

(a) In General.—Notwithstanding section 2503 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 22 U.S.C. 276 note), the Secretary of State is authorized—

(1) to facilitate the readmission and participation of the United States in the Inter-Parliamentary Union; and

(2) to pay expenses to meet the annual obligations of membership in the Inter-Parliamentary Union, in accordance with the assessments determined by the Governing Council.

(b) Representation.—Notwithstanding section 2503 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 22 U.S.C. 276 note), the majority leader of the Senate, in consultation with the minority leader of the Senate, and the Speak-
er of the House of Representatives, in consultation with
the minority leader of the House of Representatives, are
authorized to designate Members of Congress to serve as
delegates to the Assembly of the Inter-Parliamentary
Union.

SEC. 305. PROVISION OF LIVING QUARTERS AND ALLOW-
ANCES TO THE UNITED STATES REPRESENT-
ATIVES TO THE UNITED NATIONS.

Section 9 of the United Nations Participation Act of
1945 (22 U.S.C. 287e–1) is amended to read as follows:

“Sec. 9. (a) The Secretary of State, under such regu-
lations as the Secretary shall prescribe, and notwith-
standing subsections (a) and (b) of section 3324 of title
31, United States Code, and section 5536 of title 5,
United States Code, may—

“(1) make available, to the Permanent Rep-
resentative of the United States to the United Na-
tions and the Deputy Permanent Representative of
the United States to the United Nations—

“(A) living quarters leased or rented by
the United States for a period not longer than
10 years; and

“(B) allowances for unusual expenses inci-
dent to the operation and maintenance of such
living quarters that are similar to expenses au-
authorized under section 5913 of title 5, United States Code;

“(2) make available living quarters in New York leased or rented by the United States for—

“(A) a period not longer than 10 years to other United States representatives to the United Nations and to not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

“(B) a period not longer than 5 years to not more than 35 members of the Foreign Service assigned to the United States Mission to the United Nations; and

“(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

“(b) The Secretary of State may not make available living quarters or allowances under subsection (a) to an
employee who is occupying living quarters that are owned
by such employee.

“(c) Living quarters and allowances provided under
subsection (a) shall be considered for all purposes as au-

thorized under—

“(1) chapter 9 of title I of the Foreign Service
Act of 1980 (22 U.S.C. 4081 et seq.); and

“(2) section 5913 of title 5, United States
Code.

“(d) The Inspector General of the Department of
State shall—

“(1) periodically review the administration of
this section to achieve cost savings; and

“(2) develop appropriate recommendations for
the Secretary of State regarding the administration
of this section.”.

SEC. 306. RECRUITMENT AND RETENTION OF UNITED
STATES CITIZENS IN INTERNATIONAL ORGA-
NIZATIONS.

(a) IN GENERAL.—The Secretary shall continue ef-

forts to increase the number of qualified United States
citizens employed by the United Nations and by other
international organizations.
(b) DUTIES OF THE SECRETARY.—Not later than 90 days after the date of the enactment of this Act, the Secretary—

(1) shall develop, recruit, and maintain a roster of qualified United States candidates for professional positions and senior positions at the United Nations and other international organizations, including those related to United Nations peacekeeping operations;

(2) shall designate an employee of the Department of State—

(A) to closely monitor job openings at the United Nations and other international organizations; and

(B) to connect those job openings with United States citizens listed on the roster described in paragraph (1) or through other mechanisms;

(3) should establish a program that sponsors Junior Professional Officers and Associate Expert positions, similar to the support provided to such positions by Austria, Canada, Switzerland, and the United Kingdom; and

(4) shall update, as appropriate, reports to the appropriate congressional committees that describe
the measures being taken by the Department of
State to facilitate the recruitment of qualified
United States citizens for employment at the United
Nations and other international organizations.

(c) Duties of the Secretary of the Treasury.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall—

(1) develop, recruit, and maintain a roster of qualified United States candidates for professional positions and senior positions at international financial institutions (referred to in this subsection as “IFIs”), including the World Bank, the International Monetary Fund, and other regional development banks;

(2) designate an employee of the Department of the Treasury or the Department of State—

(A) to closely monitor job openings at IFIs;

(B) to provide public notice of these openings, to the extent possible; and

(C) to connect such job openings with United States citizens who are listed on the roster described in paragraph (1) or who are otherwise eligible;
(3) update, as appropriate, reports to the appropriate congressional committees that describe the measures being taken by the Department of the Treasury and the Department of State to facilitate the recruitment of qualified United States citizens for employment at IFIs; and

(4) coordinate with the employee designated in paragraph (2) to facilitate awareness of openings at international organizations and IFIs.

SEC. 307. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL RENEWABLE ENERGY AGENCY.

(a) IN GENERAL.—The President is authorized—

(1) to accept the terms and conditions of the Statute of the International Renewable Energy Agency (referred to in this section as the "Agency"); and

(2) to maintain membership of the United States in the Agency.

(b) PAYMENTS OF ASSESSED CONTRIBUTIONS.—For fiscal year 2012 and each fiscal year thereafter, United States assessed contributions to the Agency may be paid from amounts appropriated under the heading "Contributions to International Organizations".
TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. LIMITATION ON ASSISTANCE TO GOVERNMENTS OF COUNTRIES IN DEFAULT.

(a) FOREIGN ASSISTANCE ACT OF 1961.—Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking “any country” and inserting “the government of any country”;

(2) by striking “such country” each place it appears and inserting “such government”; and

(3) by striking “six calendar months” and inserting “1 year”.

(b) ARMS EXPORT CONTROL ACT.—Chapter 4 of the Arms Export Control Act (22 U.S.C. 2791 et seq.), is amended—

(1) by redesignating section 47 as section 48;

and

(2) by inserting after section 46 the following:

“SEC. 47. LIMITATION ON ASSISTANCE TO GOVERNMENTS OF COUNTRIES IN DEFAULT.

“No assistance may be furnished under section 23 of this Act to the government of any country which is in default, during a period exceeding 1 year, in payment to the United States of principal or interest on any loan
made to the government of such country under this Act, unless—

“(1) such government meets its obligations under the loan; or

“(2) the President—

“(A) determines that assistance to such country is in the national interest of the United States; and

“(B) notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.”.

SEC. 402. INCREASED AUTHORITY TO PROVIDE ASSISTANCE FOR LAW ENFORCEMENT FORCES.

(a) POLICE TRAINING.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “or” at the end;

(B) in paragraph (6), by striking “, and the provision of professional” and all that follows through the semicolon at the end and inserting “, including any regional, district, municipal, or other subnational entity emerging from instability;”;

S 1426 IS
(C) in paragraph (7), by striking the pe-

rior at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(8) with respect to the provision of profes-

sional training, including training in internationally

recognized standards of human rights and the rule

of law;

“(9) with respect to assistance to foster civilian

police roles that support democratic governance and

foster improved police-community relations;

“(10) with respect to assistance to combat traf-
ficking in persons, address sexual and gender-based

violence, reduce corruption, prevent conflict, and re-

spond to disasters;

“(11) with respect to assistance to address in-
humane conditions in prisons and other detention fa-
cilities administered by foreign governments that are

making efforts to address the health, sanitation, nu-

trition, and other basic needs of prisoners;

“(12) with respect to assistance provided for

prisoners for humanitarian or development purposes;
or

“(13) with respect to assistance to support hu-

manitarian operations and activities.”; and
(2) by amending subsection (d) to read as follows:

“(d) Assistance under chapter 4 of part II that is otherwise prohibited under subsection (a) may be provided to a country if the Secretary determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such assistance is in the national interest of the United States.”.

(b) Administration of Justice.—Section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is amended—

(1) in subsection (a), by striking “in countries in Latin America and the Caribbean”;

(2) in subsection (b)(3)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(E) programs to enhance the protection of participants in judicial cases;”;

(3) by striking subsection (e);

(4) in subsection (e), by striking the second and third sentences; and
(5) by redesignating subsections (d) and (e) as subsections (e) and (d), respectively.

SEC. 403. BUILDING PUBLIC AWARENESS AND DIALOGUE.

Section 122 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151t) is amended by inserting at the end the following:

“(f)(1) The Administrator of the United States Agency for International Development is authorized—

“(A) to encourage the people of the United States to further dialogue and understanding of development, humanitarian assistance, and foreign assistance programs; and

“(B) to facilitate widespread public discussion, analysis, and review of the issues addressed in the final report of the Helping to Enhance the Livelihood of People Around the Globe Commission (HELP Commission), issued in December 2007, with special regard to the HELP Commission’s call to encourage Executive agencies to more fully explain United States development activities to the American people in order to raise the American people’s understanding about and support for foreign assistance.

“(2) In addition to funds otherwise available for such purposes, not more than $1,000,000 of the amounts made
available each fiscal year for the purposes of this chapter may be used to ensure effective engagement with the American people in understanding and promoting public understanding of development, humanitarian assistance, and foreign assistance programs.”.

SEC. 404. EXCEPTION TO CERTAIN MULTIPLE AWARD CONTRACT REQUIREMENTS.

Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended by section 705, is further amended by adding at the end the following new section:

“SEC. 620P. USAID EXCEPTION TO CERTAIN MULTIPLE AWARD CONTRACT REQUIREMENTS.

“In entering into any multiple award task order or indefinite delivery or indefinite quality contract, the Administrator of the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.”.

SEC. 405. MILLENNIUM CHALLENGE ASSISTANCE.

(a) EXTENSION OF COMPACTS.—Section 609(j) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is amended to read as follows:

“(j) EXTENSION OF COMPACT.—
“(1) In general.—Except as provided under paragraph (2), the duration of a Compact shall not exceed 5 years.

“(2) Exception.—The duration of a Compact may be extended beyond 5 years if the Board—

“(A) determines that a project included in the Compact cannot be completed in 5 years or less; and

“(B) approves an extension of the Compact that does not extend the total duration of the Compact beyond 7 years.”.

(b) Concurrent and subsequent compacts.—Section 609(k) of such Act (22 U.S.C. 7708(k)) is amended to read as follows:

“(k) Concurrent and subsequent compacts.—

“(1) In general.—Subject to paragraph (2), and in accordance with the requirements of this title, an eligible country and the United States—

“(A) may enter into, and have in effect, more than 1 Compact at any given time; and

“(B) may enter into subsequent Compacts after the expiration of existing Compacts.

“(2) Requirements.—An eligible country and the United States may enter into concurrent Compacts if the Board determines that such country—
“(A) is making significant, consistent progress in implementing the terms of any existing Compacts; and

“(B) will contribute—

“(i) in the case of a candidate country (as defined in section 606(a)), not less than 7.5 percent of the total amount agreed upon for a subsequent Compact; or

“(ii) in the case of a candidate country (as defined in section 606(b)), not less than 15 percent of the total amount agreed upon for a subsequent Compact.

“(3) FUNDING.—The Corporation shall commit any funding for a concurrent Compact at the time the Corporation funds the Compact.

“(4) TIMING.—A concurrent Compact shall be signed not later than 2 years after the date on which the earlier compact was signed.

“(5) LIMITATION ON COMPACTS.—The Corporation shall provide not more than 15 years of Compact funding to any country.”.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 (22
U.S.C. 7701 et seq.) before, on, or after the date of the enactment of this Act.

(d) Status of Countries as Candidate Countries Under the Millennium Challenge Act of 2003.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

“(1) In general.—”;

(ii) in the matter preceding subparagraph (A), by striking “fiscal year 2004” and inserting “a fiscal year”;

(iii) by amending subparagraph (A) to read as follows:

“(A) the country—

“(i) has a per capita income that is not greater than the World Bank’s lower middle income country threshold for such fiscal year; and

“(ii) is among the 75 lowest per capita income countries, as identified by the World Bank; and”; and
(iv) in subparagraph (B), by striking “subject to paragraph (3)” and inserting “subject to paragraph (2)”; (B) by striking paragraph (2); and (C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “for fiscal year 2006 or a subsequent fiscal year” and inserting “for any fiscal year”; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

“(A) has a per capita income that is not greater than the World Bank’s lower middle income country threshold for such fiscal year;

“(B) is not among the 75 lowest per capita income countries as identified by the World Bank; and

“(C) meets the requirements under subsection (a)(1)(B).”; and

(B) in paragraph (2)—
(i) by striking “for fiscal year 2006 or any subsequent fiscal year” and inserting “for any fiscal year”; and

(ii) by striking “for fiscal year 2006 or the subsequent fiscal year, as the case may be” and inserting “for such fiscal year”;

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

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

“(c) MAINTAINING CANDIDATE STATUS.—Beginning in fiscal year 2012, a country the per capita income of which changes during a fiscal year so that the country no longer meets the requirements for being a candidate country under subsection (a)(1) or (b)(1) shall, notwithstanding that change in per capita income, continue to be eligible to be a candidate country under subsection (a)(1) or (b)(1) (as the case may be) during that fiscal year and the 3 fiscal years thereafter to the same extent and in the same manner as if the per capita income of the country had not changed.”.
SEC. 406. ENHANCING THE CAPACITY OF THE OFFICE OF THE INSPECTOR GENERAL FOR THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) Provisions Relating to Reemployed Annuities.—

(1) Waiver Authority.—To facilitate the assignment of persons to positions in Iraq, Pakistan, and Afghanistan, or to positions vacated by members of the Foreign Service assigned to Iraq, Pakistan, and Afghanistan, the Inspector General of the United States Agency for International Development (referred to in this section as the “Inspector General”) may, subject to paragraph (3), waive the application of the provisions of law set forth in paragraph (2) on behalf of any reemployed annuitant serving in a position within the Office of Inspector General.

(2) Provisions.—The provisions of law set forth in this paragraph are—

(A) subsections (a) through (d) of section 8344 of title 5, United States Code;

(B) subsections (a) through (e) of section 8468 of such title; and
(C) subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064).

(3) CONDITIONS.—Waiver authority under this subsection may be exercised only—

(A) on a case-by-case basis; and

(B) if, and for so long as, such waiver is necessary due to—

(i) difficulty in the recruitment or retention of a qualified employee for the position involved; or

(ii) a temporary emergency hiring need.

(4) SUNSET.—

(A) IN GENERAL.—This subsection is repealed on October 1, 2014.

(B) EFFECT OF REPEAL.—An annuitant reemployed before October 1, 2014, pursuant to the waiver under paragraph (1), may continue such employment until not later than September 30, 2015.

(b) PROVISIONS RELATING TO CONTRACTS FOR PERSONAL SERVICES.—

(1) IN GENERAL.—The Inspector General may contract with United States citizens for personal
services to facilitate and support the Office’s oversight of programs and operations. Such citizens shall not, by virtue of any such contract, be considered to be employees of the Federal Government for purposes of any law administered, in whole or in part, by the Office of Personnel Management.

(2) RELATION TO OTHER LAWS.—Nothing in this subsection may be construed to affect any determination as to whether an individual performing services pursuant to any contract under this subsection is a Government employee for purposes of any law of the United States. The Administrator of the United States Agency for International Development may determine the applicability, with respect to any such individual, of any law administered, in whole or in part, by the Administrator.

(3) CONDITIONS.—The Inspector General may not enter into a personal services contract under this subsection unless—

(A) the Inspector General determines that the personnel resources of the Office would otherwise be insufficient;

(B) the contract is for a term of 2 years or less, unless the Inspector General determines
that exceptional circumstances justify an extension of up to 1 additional year; and

(C) not more than 5 percent of the personnel of the Office (determined on a full time equivalent basis), as of any given date, consists of individuals serving under personal services contracts.

(4) OTHER AUTHORITIES NOT AFFECTED.—The authority under this subsection is in addition to any other authority available to the Inspector General to enter into personal services contracts with individuals.

(c) NOT CONSIDERED EMPLOYEES.—An employee reemployed pursuant to the waiver under subsection (a) shall not be considered an employee for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title.

(d) REPORT.—In the Office of the Inspector General’s semiannual report to Congress, the Inspector General shall include information on the usage and rationale related to annuitants hired under this section.
SEC. 407. PROHIBITIONS ON FOREIGN ASSISTANCE FOR
THE PRODUCTION OF CERTAIN AGRICULTURAL COMMODITIES.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by inserting after subsection (l) the following new subsection:

“(m) Prohibitions on Assistance for the Production of Agricultural Commodities Available in Surplus Quantities.—(1) No assistance shall be furnished under chapter 1 of part I of this Act to a country to build or expand the capacity of producers in the country to produce an agricultural commodity if the President determines that—

“(A) the agricultural commodity is likely to be available in surplus quantities on the world market when the building or expansion of such capacity is complete; and

“(B) the production or expanded production of the agricultural commodity by producers in that country would cause substantial injury to producers in the United States that produce that agricultural commodity or a similar or competing agricultural commodity.

“(2) Paragraph (1) shall not apply with respect to assistance to a country that—
“(A)(i) is eligible for assistance from the International Development Association;

“(ii) is not eligible for assistance from the International Bank for Reconstruction and Development; and

“(iii) does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

“(B) the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

“(n) RESTRICTION ON ASSISTANCE FOR THE PRODUCTION AND EXPORTATION OF CERTAIN AGRICULTURAL COMMODITIES.—(1) No assistance shall be furnished under chapter 1 of part I of this Act to a country to carry out any testing, breeding feasibility studies, variety improvement efforts, introduction efforts, consulting, publications, conferences, or training with respect to the production of an agricultural commodity in that country if the President determines that—

“(A) the agricultural commodity is or will be produced to be exported from that country; and

“(B) the exportation of the agricultural commodity from that country will result in increased competition for that agricultural commodity, or a
similar or competing agricultural commodity, pro-
duced in the United States.

“(2) Paragraph (1) shall not apply with respect to assistance furnished—

“(A) to a developing country to carry out an ac-
tivity involving the production of an agricultural commodity that is designed to increase food security in that country if the President determines that the activity will not have a significant impact on the exportation of that agricultural commodity from the United States; or

“(B) to a country that—

“(i)(I) is eligible for assistance from the International Development Association;

“(II) is not eligible for assistance from the International Bank for Reconstruction and De-
velopment; and

“(III) does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

“(ii) the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.”.

SEC. 408. SENSE OF CONGRESS REGARDING CENTRAL ASIA.

It is the Sense of Congress that—
(1) the countries of Central Asia, which include Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—

(A) provide vital support to coalition efforts in Afghanistan;

(B) sit at the crossroads between Europe and Asia; and

(C) have the potential to link global markets;

(2) because of Central Asia’s strategic importance, the United States should invest resources in the region to improve relations and promote shared objectives;

(3) it is critical for the United States to continue to engage with the countries of Central Asia to further democracy, human rights, and economic prosperity, including engaging in regional economic integration efforts with Afghanistan and South Asia;

(4) the United States should engage proactively in efforts to promote and facilitate the development of road transportation linkages across Central Asia and Afghanistan, which are key to stimulating economic opportunity and trade in the region; and

(5) upon determination by the President that Kazakhstan and Tajikistan are complying with ap-
applicable freedom of emigration requirements, Congress should take steps to terminate the applicability of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), also known as the “Jackson-Vanik amendment”, for such countries because of—

(A) their compliance with the law’s provisions; and

(B) their record of cooperation with the United States in key areas.

SEC. 409. GLOBAL HEALTH INITIATIVE.

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

(1) the Global Health Initiative presents an opportunity to build upon ongoing successes and to promote further advances in global health, in accordance with the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110–293); and

(2) in order to promote effective coordination and management in the field of global health, a full-time country level coordinator with management experience should head the interagency country team for United States missions in each Global Health Initiative Plus country.
(b) Report.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that assesses the state of implementation and early impact of the Global Health Initiative (referred to in this subsection as the "GHI") on how the United States approaches global health.

(2) Finding.—The original 8 GHI Plus countries (Bangladesh, Ethiopia, Guatemala, Kenya, Malawi, Mali, Nepal, and Rwanda) have been designated as "learning laboratories" for accelerating the objectives of the GHI—

(A) to increase the impact of United States assistance;

(B) to achieve efficiencies;

(C) to improve cost effectiveness; and

(D) to enhance the sustainability of United States support through greater country ownership.

(3) Contents.—The report submitted under this subsection shall include—

(A) an overview of the initial implementation phases of the GHI as a cross-cutting effort
to achieve the objectives described in paragraph (2);

(B) a preliminary assessment of the GHI, as implemented in each of the original 8 GHI Plus countries, including—

(i) a preliminary assessment of the added value of the measures taken as a result of implementation of the GHI with qualitative and quantitative examples of efficiencies and integration;

(ii) a description of the outputs achieved;

(iii) a description of the intended outcomes of interventions and changes in approach stemming from the GHI on disease burden, health systems, and other indicators;

(iv) a description of changes in the dialogue between the United States Government, the government of the country, and the relationship with public and private partners; and

(v) an assessment of the sustainability of United States global health assistance
and the means by which sustainability or
country ownership will be measured; and

(C) a strategic plan for the further imple-
mentation of the GHI, including the means by
which lessons learned in GHI Plus countries
will be communicated to and applied in—

(i) the development and implementa-
tion of GHI strategies in other countries;
and

(ii) the development of monitoring and
evaluation tools to measure the impact of
United States programming in specific
countries and globally.

SEC. 410. DISCRIMINATION RELATED TO SEXUAL ORIENTA-
TION.

(a) Tracking Violence or Criminalization Re-
lated to Sexual Orientation.—The Assistant Sec-
retary for Democracy, Human Rights and Labor should
designate a Bureau-based officer or officers who shall be
responsible for tracking violence, criminalization, and re-
strictions on the enjoyment of fundamental freedoms, con-
sistent with United States law, in foreign countries based
on actual or perceived sexual orientation and gender iden-
tity.
(b) INTERNATIONAL EFFORTS TO REVISE LAWS CRIMINALIZING HOMOSEXUALITY.—The Secretary of State shall work through appropriate United States Government employees at United States diplomatic and consular missions to encourage the governments of other countries to reform or repeal laws of such countries criminalizing homosexuality or consensual homosexual conduct, or restricting the enjoyment of fundamental freedoms, consistent with United States law, by homosexual individuals or organizations.

(c) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 116(d)—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(12) wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.”; and
(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the eighth sentence the following new sentence: “Wherever applicable, violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual in foreign countries that is based on actual or perceived sexual orientation and gender identity.”.

(d) TRAINING FOR FOREIGN SERVICE OFFICERS.—

Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “the Secretary for Democracy, Human Rights and Labor,” before “the Ambassador at Large”;

(2) in paragraph (2), by striking “and” at the end;

(3) in paragraph (3), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(4) instruction, in courses covering human rights reporting and advocacy work, on identifying violence or discrimination that affects the fundamental freedoms, consistent with United States law, of an individual that is based on actual or perceived sexual orientation and gender identity.”.
SEC. 411. OVERSEAS PRIVATE INVESTMENT CORPORATION.

Section 235 of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) in paragraph (1)—

(A) by striking “(A)”; and

(B) by striking “sections 234(b) and (c)” and inserting “subsections (b) and (c) of section 234”;

(2) by striking paragraph (2); and

(3) by striking “(B)” and inserting the following:

“(2) AUTHORIZED TRANSFERS.—”.

SEC. 412. GLOBAL INTERNET FREEDOM.

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

(1) to promote and protect the exercise of fundamental freedoms over the Internet, mobile networks, and other connection technologies;

(2) to use appropriate instruments of United States influence, including diplomacy, technology, and trade and economic policy, to support and promote the free flow of electronic information;

(3) to work with international and multilateral partners to promote the exercise of fundamental freedoms over the Internet, mobile networks, and other connection technologies; and
(4) to integrate the promotion of Internet freedom into broader country, regional, and economic policies of the Department of State.

(b) Functions.—The Secretary of State, through the Bureau of Democracy, Human Rights, and Labor, the Bureau of Economic Affairs, and the regional geographic bureaus, and in consultation with the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, shall, on a global level—

(1) closely monitor threats or limitations to users’ exercise of fundamental rights over connection technologies, especially the Internet and mobile devices, and include information about these threats or limitations in the annual Country Reports on Human Rights Practices;

(2) create and implement guidelines for the bureaus and embassies of the Department of State to respond to governmental actions to harass, limit, censor, or otherwise restrict the exercise of fundamental freedoms through information and communications technology;

(3) respond diplomatically to situations in which the Internet and other forms of connective technology are intentionally limited, censored, re-
restricted, monitored, distorted, or otherwise denied to
users; and

(4) develop and implement, programmatically
and diplomatically, bilateral and multilateral efforts
to protect and promote broad-based information and
communications freedom and access by imple-
menting a strategy that includes—

(A) advocating for fundamental freedoms
over the Internet, mobile networks, and other
connection technologies, such as freedom of ex-
pression, association, speech, religion, and as-
sembly through bilateral, multilateral, and pub-
lic diplomacy, and support for local advocacy ef-
forts; and

(B) utilizing trade and economic fora,
tools, mechanisms, treaties, and agreements to
change restrictive regulations, practices, and
policies.

c) **Primary Responsibilities.**—The Bureau of
Democracy, Human Rights and Labor, in consultation
with all other relevant bureaus, shall take the lead in—

(1) empowering users to develop innovative
tools—

(A) to ameliorate their restrictive environ-
ments; and
(B) to maximize their digital safety and security;

(2) providing training, education, and networking to users seeking greater freedom to safely access information online and through other forms of connective technology;

(3) providing technical assistance to reform regulatory and policy restrictions on the free flow of information through information and communications technology worldwide;

(4) supporting research and development into innovative tools to assist users who are monitored, censored, blocked, or otherwise restricted from exercising rights; and

(5) supporting the development and deployment of Internet censorship circumvention and related tools and technology.

(d) JOINT STRATEGIES.—The Administrator of the United States Agency for International Development, in cooperation with the Bureau of Democracy, Human Rights, and Labor, and the Bureau of Economic Affairs, and through consultation with the Broadcasting Board of Governors, shall develop and implement joint strategies relevant for United States Agency for International Development bureaus and offices and overseas missions de-
scribed in subsection (b)(4) that emphasize the promotion of digital safety, user empowerment, and public awareness messaging.

(e) STRATEGIC PLAN.—The Broadcasting Board of Governors, in consultation with the Department of State, shall develop and implement a strategic plan relevant for its related entities pursuant to subsection (b)(4) that emphasizes the use and support of—

(1) Internet circumvention;

(2) other anti-censorship tools and methods; and

(3) individual online safety and security.

SEC. 413. INTERNATIONAL CYBERSPACE AND CYBERSECURITY COORDINATION.

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

(1) On December 15, 2010, as part of the release of the first Quadrennial Diplomacy and Development Review, Secretary of State Hillary Clinton announced the establishment of a Coordinator for Cyber Issues, “who will lead State’s engagement on cybersecurity and other cyber issues, including efforts to protect a critical part of diplomacy—the confidentiality of communications between and among governments.”.
(2) On February 2, 2010, Admiral Dennis C. Blair, the Director of National Intelligence, testified before the Select Committee on Intelligence of the Senate regarding the Annual Threat Assessment of the U.S. Intelligence Community, stating “The national security of the United States, our economic prosperity, and the daily functioning of our government are dependent on a dynamic public and private information infrastructure, which includes telecommunications, computer networks and systems, and the information residing within. This critical infrastructure is severely threatened . . . We cannot protect cyberspace without a coordinated and collaborative effort that incorporates both the U.S. private sector and our international partners.”.

(3) In a January 2010 speech on Internet freedom, Secretary of State Hillary Clinton stated: “Those who disrupt the free flow of information in our society, or any other, pose a threat to our economy, our government, and our civil society. Countries or individuals that engage in cyber attacks should face consequences and international condemnation. In an Internet-connected world, an attack on one nation’s networks can be an attack on all. And by reinforcing that message, we can create
norms of behavior among States and encourage respect for the global networked commons.”.

(4) James Lewis, senior fellow at the Center for Strategic and International Studies, asserts, in “Securing Cyberspace for the 44th Presidency”, “The international aspects of cybersecurity have been among the least developed elements of U.S. cybersecurity policy. Given the multinational and global aspects of network security, this must be remedied, as energetic engagement could produce real benefits in promoting U.S. objectives and reducing risk.”.

(5) The 2010 National Broadband Plan of the Federal Communications Commission recommends that “[t]he Executive Branch should develop a coordinated foreign cybersecurity assistance program to assist foreign countries in the development of legal and technical expertise to address cybersecurity.”.

(6) The May 2009 White House Cyberspace Policy Review asserts “[t]he Nation also needs a strategy for cybersecurity designed to shape the international environment and bring like-minded nations together on a host of issues, such as technical standards and acceptable legal norms regarding territorial jurisdiction, sovereign responsibility, and use
of force. International norms are critical to establishing a secure and thriving digital infrastructure.”.

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

(1) even as the United States and the global system have become increasingly more dependent on cyberspace for basic and critical functions and services, a lack of sufficient norms and principles to govern the international cyberspace environment has resulted in significant cyber vulnerabilities and the potential for massive state failure in the event of coordinated cyber attacks;

(2) the multilateral system has not—

(A) addressed these vulnerabilities in a consistent or systematic manner; or

(B) established a basic framework of best practices and governance to address and respond to emerging cyber threats;

(3) the international community should strongly consider the utility of negotiating a multilateral framework on cyberwarfare that would create shared norms for cyber conduct and head off the potentiality for larger disruptions related to cyberwarfare;

(4) United States diplomatic engagement towards international cybersecurity issues—
(A) has been uncoordinated and fragmented; and

(B) has not taken advantage of securing cyberspace within a multilateral framework;

(5) the Secretary of State, in consultation with other relevant Federal agencies, should develop and establish a clear and coordinated strategy for international cyberspace and cybersecurity engagement, which should—

(A) review and assess existing strategies for international cyberspace and cybersecurity policy and engagement;

(B) define short- and long-term objectives for United States cyberspace and cybersecurity policy;

(C) consider how to support a policy of United States Government collaboration and coordination with other countries and organizations in order to bolster an international framework of cyber norms, governance, and deterrence;

(D) consider the utility of negotiating a multilateral framework that would provide internationally acceptable principles to better
mitigate cyberwarfare, including noncombatants;

(E) share and disseminate relevant threat information with key stakeholders;

(F) be developed in consultation with other United States Government agencies with relevant technical expertise or policy mandates pertaining to cyberspace and cybersecurity issues; and

(G) draw upon the expertise of technology, security and policy experts, private sector actors, international organizations, and other appropriate entities; and

(6) the Secretary of State’s announcement, in the Quadrennial Diplomacy and Development Review, of the creation of an Office of the Coordinator for Cyber Issues is a welcome first step that will help the United States define and organize civilian efforts to appropriately engage and coordinate cyber issues of global concern.

(c) STATEMENT OF POLICY.—It is the policy of the United States to promote, in coordination with public and private stakeholders and the international community, engagement on international cyber issues through increased
diplomatic engagement, capacity building, and collaboration on cyber issues of global concern.

(d) COORDINATOR FOR CYBERSPACE AND CYBERSECURITY ISSUES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

“(g) CYBERSPACE AND CYBERSECURITY ISSUES.—

“(1) IN GENERAL.—There is established within the office of the Secretary of State a Coordinator for Cyberspace and Cybersecurity Issues (referred to in this subsection as the ‘Coordinator’), who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) DUTIES.—

“(A) PRINCIPAL DUTIES.—The Coordinator shall—

“(i) be the principal official within the senior management of the Department of State responsible for cyberspace and cybersecurity issues;
“(ii) be the principal advisor to the Secretary of State on international cyberspace and cybersecurity issues;

“(iii) report directly to the Secretary of State; and

“(iv) perform such duties and exercise such powers as the Secretary of State shall prescribe.

“(B) ADDITIONAL DUTIES.—In addition to the duties described in subparagraph (A), the Coordinator shall—

“(i) provide strategic direction and coordination for United States Government policy and programs aimed at addressing and responding to cyberspace and cybersecurity issues overseas, especially in relation to issues that affect United States foreign policy and related national security concerns;

“(ii) coordinate with relevant Federal departments and agencies, including the Department of Homeland Security, the Department of Defense, the Department of the Treasury, the Department of Justice, the Department of Commerce, and the in-
intelligence community to develop inter-agency plans regarding international cyberspace and cybersecurity issues;

“(iii) provide a focal point for the private sector to coordinate on international cyberspace and cybersecurity issues; and

“(iv) build multilateral cooperation to develop international norms, common policies, and responses to secure the integrity of cyberspace.

“(3) RANK AND STATUS OF AMBASSADOR.—
The Coordinator shall have the rank and status of Ambassador at Large.

“(4) COUNTRY AND REGIONAL CYBERSPACE AND CYBERSECURITY POLICY COORDINATORS.—The Secretary of State, in consultation with the heads of other relevant Federal agencies and in coordination with the relevant Chief of Mission, should designate an employee to have primary responsibility for matters relating to cyberspace and cybersecurity policy in each country or region that the Secretary considers significant with respect to efforts of the United States Government to combat cybersecurity globally.”.
(c) Strategy for United States Engagement on International Cyber Issues.—

(1) Strategy for United States Cyber Engagement.—The Coordinator, in consultation with appropriate departments and agencies of the United States Government, shall—

(A) develop a strategy to support the objective of promoting United States engagement on international cyber issues; and

(B) submit the strategy to the appropriate congressional committees.

(2) Content.—The strategy developed under paragraph (1) shall—

(A) include—

(i) efforts to be undertaken;

(ii) specific and measurable goals;

(iii) benchmarks and time frames for achieving the objectives set forth in subsection (b)(5)(B); and

(iv) progress made towards achieving such objectives; and

(B) to the greatest extent possible—

(i) be developed in consultation with other United States Government agencies

with relevant technical expertise or policy
mandates pertaining to cyberspace and cybersecurity issues; and

(ii) draw upon the expertise of technology, security, and policy experts, private sector actors, international organizations, and other appropriate entities.

(3) COMPONENTS.—The strategy developed under paragraph (1) should include—

(A) assessments and reviews of existing strategies for international cyberspace and cybersecurity policy and engagement;

(B) short- and long-term objectives for United States cyberspace and cybersecurity engagement; and

(C) a description of programs, activities, and policies to foster United States Government collaboration and coordination with other countries and organizations to bolster an international framework of cyber norms, governance, and deterrence, including consideration of the utility of negotiating a multilateral framework to provide internationally acceptable principles to better mitigate cyberwarfare, including non-combatants.
(4) REPORTS.—Not later than 1 year after the
date of the enactment of this Act, the Secretary of
State shall submit a report on the strategy developed
under paragraph (1) to—

(A) the Committee on Foreign Relations of
the Senate; and

(B) the Committee on Foreign Affairs of
the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated such sums as may be
necessary to carry out this section and the amendments
made by this section.

SEC. 414. PROMOTING GLOBAL ACCESS TO CONNECTIVE
TECHNOLOGIES.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) Internet and mobile technology is increas-
ingly used by the Department of State and the
United States Agency for International Development
(USAID) to reach aid beneficiaries and the general
public in recipient countries.

(2) The use of mobile devices to deliver life-sav-
ing information, provide essential banking services,
and connect individuals has become a core pillar in
development and democracy promotion.
Recent uprisings in the Arab world showed a high use of social media to spread messages of discontent and to organize mass demonstrations.

While the use of mobile telephones is growing at a rapid pace in the developing world, global access to Internet service remains low.

According to 2009 data from the International Telecommunications Union—

(A) in Egypt—

(i) 24 percent of the population use the Internet;

(ii) 3 percent access the Internet through a fixed subscription;

(iii) 1.3 percent access the Internet through fixed broadband; and

(iv) 8 percent access the Internet through mobile broadband; and

(B) in Yemen—

(i) 10 percent of the population use the Internet;

(ii) 0.23 percent access the Internet through fixed broadband; and

(iii) none access the Internet through mobile broadband.
(b) **GLOBAL ACCESS STRATEGY.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, shall develop and implement a global access strategy that—

1. identifies any causal connection between access to connective technologies and the fulfillment of diplomatic, economic, or development goals and objectives, in cooperation with relevant multilateral or nongovernmental entities;

2. if a causal connection is identified under paragraph (1), includes a strategy for increasing access for relevant embassy and USAID mission performance plans;

3. ensures that funds for democracy and human rights development and promotion, economic growth, transparency, governance, and innovation are provided to increase and promote access, including technical or in-kind assistance;

4. promotes government-to-government diplomatic engagement on the issue; and

5. encourages public-private partnerships with United States telecommunications and innovation firms.
SEC. 415. TRANSITION INITIATIVES ACCOUNT.

Section 494 of the Foreign Assistance Act of 1961 is amended to read as follows:

“SEC. 494. TRANSITION ASSISTANCE.

“(a) In General.—Notwithstanding any other provision of law, the Secretary of State is authorized to provide assistance to countries in crisis, or facing the imminent threat of crisis, for the purpose of supporting transition to democracy and long-term development.

“(b) Purpose of Assistance.—Assistance under this section may include support for—

“(1) the development, strengthening, or preservation of democratic institutions and processes;

“(2) the revitalization of basic infrastructure;

and

“(3) the peaceful resolution of conflict.

“(c) Report.—Not later than 5 days before beginning a new assistance program under this section, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes the new assistance program.

“(d) Authorization of Appropriations.—

“(1) In General.—There is authorized to be appropriated to the President $50,000,000 to carry
out this section, which amount shall remain available until expended.

“(2) ADDITIONAL ASSISTANCE.—In addition to any authority otherwise available to provide assistance in furtherance of the purposes described in subsection (a), and in addition to amounts otherwise available to carry out this section, the Secretary may expend up to $15,000,000 of the amounts appropriated to carry out this part to carry out this section if the Secretary determines that it is important to the national interests of the United States to provide transition assistance beyond the assistance provided with the amounts appropriated pursuant to paragraph (1).”.

SEC. 416. REPORT ON UNITED STATES GOVERNMENT HUMANITARIAN ASSISTANCE PROGRAMS.

(a) PRESIDENTIAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees on overseas United States Government humanitarian assistance programs that contains—

(1) a list of all United States Government departments and agencies, including the Department of Defense, involved in implementing humanitarian assistance programs;
(2) a list of funding costs associated with each respective department and agency undertaking humanitarian assistance programs, including the Department of Defense;

(3) a description of the scope, size, and components of all humanitarian assistance programs for fiscal years 2010 and 2011;

(4) an evaluation of the appropriate role of United States Government departments and agencies, especially the coordination between United States civilian agencies and the United States military in carrying out humanitarian assistance programs, including a discussion of—

(A) obstacles to more effective humanitarian coordination between Combatant Commands and civilian agencies within their respective areas of responsibility;

(B) Department of Defense guidance and directives concerning foreign disaster relief operations;

(C) the extent to which the Department of Defense has previously supported United States foreign disaster relief operations;

(D) the extent to which Combatant Commands—
(i) included foreign disaster relief in their theater campaign plans; and

(ii) developed contingency plans to respond to foreign disasters, such as the 2010 earthquake in Haiti;

(E) the extent to which the Department of Defense and the Combatant Commands ensure relief efforts are coordinated by sharing their guidance, directives, and plans for foreign disasters with other United States Government agencies, including—

(i) the Office of Foreign Disaster Assistance of the United States Agency for International Development;

(ii) the Department of State;

(iii) nongovernmental agencies; and

(iv) foreign partners;

(F) mechanisms within the Combatant Commands to further collaborate with inter-agency partners when responding to foreign disasters;

(G) the extent to which the Department of Defense has reviewed and assessed its foreign disaster relief operations for opportunities to re-
duce duplication and overlap with the efforts of
other United States Government agencies; and

(H) structural or organizational improve-
ments, including system-wide humanitarian
training for relevant military personnel, that
would assist with more effective coordination;
and

(5) recommendations for legislative modifica-
tions, if any, to existing authorities relating to hu-
manitarian assistance programs.

(b) GOVERNMENT ACCOUNTABILITY OFFICER Re-
port.—Not later than 18 months after the date of the
enactment of this Act, the Comptroller General of the
United States shall submit a report to the appropriate
congressional committees that contains—

(1) a review of, and comments addressing, how
effectively the Department of Defense and the Com-
batant Commands undertake and coordinate humani-
tarian assistance activities; and

(2) recommendations for improving humani-
tarian coordination between the military and civilian
agencies.

SEC. 417. REPORT REPEALS.

(a) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS
to INTERNATIONAL ORGANIZATIONS.—Section 4(b) of the
United Nations Participation Act (22 U.S.C. 287b(b)) is repealed.

(b) Report on Visa Issuance to Inadmissible Aliens.—Section 51(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2723(a)) is amended—

(1) in paragraph (1), by striking “(1) Denial of visas.—”; and

(2) by striking paragraph (2).

(c) Foreign Assistance Act of 1961 Reports.—The Foreign Assistance Act of 1961 (Public Law 87–195) is amended—

(1) in section 133 (22 U.S.C. 2152c)—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d);

(2) in section 620C (22 U.S.C. 2373)—

(A) by striking subsection (e); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(3) in section 620F (22 U.S.C. 2376), by striking subsection (c).

(d) Annual Reports on Soviet and Eastern European Training.—Section 807 of the Soviet-Eastern
Section 404(c) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138) is repealed.

(h) ANNUAL REPORT ON ASSISTANCE FOR INDEPENDENT STATES OF FORMER SOVIET UNION.—Section 104 of the FREEDOM Support Act (Public Law 102–511) is repealed.

(i) ANNUAL REPORT ON VIOLATIONS OF TERRITORIAL INTEGRITY IN FORMER SOVIET UNION.—Section 560(g) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87) is amended by striking “: Provided further, That thirty days” and all that follows and inserting a period.

(j) REPORTS ON PARTNERSHIP FOR PEACE INITIATIVE AND OUTSTANDING EXPROPRIATIONS CLAIMS.—Title V of the Foreign Relations Authorization Act, Fiscal
Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in section 514, by striking subsection (a); and

(2) in section 527—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.


(1) in section 605, by striking subsection (e); and

(2) in section 721—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c); and
(C) in subsection (c), as redesignated, by striking “At the time of the submission of each annual report under subsection (c), the Secretary” and inserting “The Secretary”.

(m) **Report on Extradition of Narcotics Traffickers.**—Section 3203 of Public Law 106–246 is repealed.

(n) **Report on Terrorist Lookout Committees.**—Section 304 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public 107–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(o) **Other Reports.**—

(1) **Reports on Activities in Colombia and German Foundation.**—The Department of State Authorization Act, Fiscal Year 2003 (division A of Public Law 107–228) is amended—

(A) by striking section 694; and

(B) by striking section 704.

(2) **Implementation Report.**—Section 1321 of the Security Assistance Act of 2002 (division B of Public Law 107–228) is repealed.
(p) Chief of Mission Staff Element Reports.—Section 409(c) of the Department of State and Related Agency Appropriations Act, 2005 (Public Law 108–447) is repealed.

SEC. 418. WORKING CAPITAL FUND.

(a) Definitions.—In this section:

(1) Administrator.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) Fund.—The term “Fund” means the Working Capital Fund established pursuant to subsection (b).

(3) Local entity.—The term “local entity” means an individual, a corporation, or another group of persons located, or having as its principal place of business or operations, in a country receiving assistance from funds appropriated under title III.

(4) USAID.—The term “USAID” means the United States Agency for International Development.

(b) Establishment.—The Administrator is authorized to establish a Working Capital Fund.

(c) Deposits.—Up to 1 percent of the total value of obligations entered into by USAID from appropriations available to USAID, and any appropriation made available...
for the purpose of providing capital, may be deposited into the Fund during any fiscal year. Receipts from the disposal of, or repayments for the loss or damage to, property held in the Fund, rebates, reimbursements, refunds and other credits applicable to the operation of the Fund may be deposited into the Fund.

(d) Use of Funds.—Amounts deposited into the Fund during any fiscal year shall be available, without fiscal year limitation in addition to other funds available for such purposes, for administrative costs resulting from agency implementation and procurement reform efforts, the administration of the Fund, and administrative contingencies designated by the Administrator, including—

(1) personal and nonpersonal services;

(2) training; and

(3) supplies.

(e) Transfer.—At the close of each fiscal year, the Administrator shall transfer from the Fund to the General Fund of the Treasury—

(1) amounts in excess of $100,000,000; and

(2) such other amounts as the Administrator determines to be in excess of the needs of the Fund.

(f) Procurement Reform.—

(1) Local competition.—Subject to paragraph (2), the Administrator may use amounts made
available under this Act or otherwise appropriated for the Department of State, Foreign Operations, and Related Programs, to award contracts or other instruments in which competition is limited to local entities.

(2) LIMITATION.—Contracts and other instruments awarded under paragraph (1) may not exceed $5,000,000.

SEC. 419. RETENTION OF INTEREST EARNED ON ADVANCED FUNDS.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end the following:

“(n) The Administrator of the United States Agency for International Development may enter into agreements with international organizations that provide for the retention of interest earned on the advance of funds by such organizations.”.

SEC. 420. STATEMENT OF GLOBAL DEVELOPMENT POLICY.

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

(1) Since 1,000,000,000 people worldwide live on less than $1 per day, the majority of whom are women, and an additional 1,600,000,000 people struggle to survive on less than $2 per day—
(A) United States development programs should continue to promote country-led solutions to reduce poverty and eliminate extreme global poverty through sustainable economic growth; and

(B) efforts described in subparagraph (A) should be consistent with the United Nations Millennium Development Goals, including a 50 percent reduction between 1990 and 2015 in the proportion of people worldwide who live on less than $1 per day.

(2) Integrating sustainable development into United States development assistance is an important component of comprehensive and effective aid programs.

(3) In 1987, the World Commission on Environment and Development (the Brundtland Commission) published a report entitled Our Common Future, which defined sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

(4) Outcomes from the 1992 United Nations Conference on Environment and Development in Rio de Janeiro (commonly referred to as the Rio Con-
ference or Earth Summit), the 2002 World Summit on Sustainable Development in Johannesburg, and the recent sessions of the Commission on Sustainable Development elevated public awareness on the need to integrate environmental priorities with development objectives.

(5) Actions that address the development challenges faced by vulnerable and impoverished developing nations should—

(A) include focused attention on the sustainability of the world’s natural resources;

(B) balance environmental stewardship, economic development, and social development;

(C) be informed by an assessment of the specific impacts on women and men at all stages of the development process; and

(D) consider that developing countries rely on natural ecosystems and are likely to be affected by climate change to a much greater degree than developed countries, with women shouldering much of the burden given their prominent roles in fuel and food consumption and production.

(6) Developing countries presently face and will continue to face sharply decreasing yields from agri-
culture production because of climate change, which
undermines food security in such countries.

(7) Urbanization is a defining phenomenon of
the 21st century. Approximately 51 percent of the
world’s population lives in cities of various sizes pro-
ducing the majority of the world’s economic output.
By 2030, an estimated 4,000,000,000 people will
live in cities in the developing world and the number
of people living in slums is estimated to double.
Urban populations represent some of the most vul-
nerable populations to climate changes, but are ill-
equipped to address the challenges associated with
climate change.

(8) Public-private partnerships are an essential
tool to advance our efforts in a range of critical
areas. President Obama has called partnerships “a
defining feature of our foreign policy” and a way to
involve multiple stakeholders and to conduct our di-
plomacy directly with citizens around the world. The
First Quadrennial Diplomacy and Development Re-
view states: “Private sector partners can add value
to our missions . . . Their reach and influence con-
tinues to grow. So too must our efforts to connect
with, build upon, and amplify their work to advance
our common interests”.
(9) Investing in innovation has the potential to solve long-standing development challenges by—

(A) leveraging the power of research and development to help the United States increase investments in development-focused innovation;

(B) capitalizing new models for innovation and bringing sustainable models to scale;

(C) increasing the creation and utilization of science and technology by women and men in developing countries; and

(D) removing impediments to innovation faced by the private sector.

(10) Transparency is—

(A) a prerequisite for development effectiveness; and

(B) fundamental to the success of better governance and enhanced development outcomes in recipient countries.

(11) The High Level Forum on Aid Effectiveness in Busan, Republic of Korea, in November 2011, represents a critical moment for donors—

(A) to generate political will for elevating and maintaining development as an international priority in the face of a range of competing international and domestic agendas;
(B) to modernize the aid delivery model to capitalize on new models of innovation and to scale up the development impact of aid interventions;

(C) to assess commitments to improve the quality of aid made at previous forums in Paris and Accra; and

(D) to establish a new consensus for a global development partnership that will improve the effectiveness of the official aid sector and capture the different circumstances under which aid is currently delivered.

(b) Policy.—It is the policy of the United States to promote broad-based, sustainable global development, reduce poverty, and eliminate extreme global poverty by—

(1) maximizing good development principles and key reforms, including—

(A) increasing efficiencies by eliminating wasteful regulations and demanding clear results, demonstrated by consistent evaluation;

(B) prioritizing accountability with clear objectives, improved coordination with other donors and stakeholders, increased transparency, and more effective and meaningful monitoring
and evaluation, including attention to gender relations in all relevant areas;

(C) incorporating local priorities and policy reforms that will reflect developing country priorities, including through the meaningful engagement of local civil society;

(D) ensuring that gender equality and analyses of impact by gender are incorporated and operationalized throughout programs at all stages of the program cycle;

(E) maintaining distinctions between diplomacy and development, recognizing that each harbors different objectives, timelines, and priorities;

(F) reducing the footprint of the Department of Defense in post-conflict reconstruction, stability, and development aid so that the Department can focus its resources and expertise on its primary mission; and

(G) supporting a strong, empowered United States Agency for International Development that can effectively address 21st century challenges and priorities;

(2) supporting and integrating principles of sustainable development, including—
(A) integrating the current and predicted impacts of climate change, based on sound science;

(B) ensuring that these principles, which balance social, economic, and environmental concerns, are mainstreamed into economic models, decision-making mechanisms, and spatial planning;

(C) recognizing that climate change is—

   (i) currently a serious challenge and threat in many parts of the world;

   (ii) a potentially significant national and global security threat multiplier that is likely to exacerbate economic and social inequality and increase competition and conflict over agricultural, vegetative, marine, and water resources; and

   (iii) will likely result in increased displacement of people, especially women and children, in addition to poverty and hunger within developing countries;

(D) assessing—

   (i) the progress made to date and the remaining gaps in the implementation of
the outcomes of the major summits on sus-
tainable development;

(ii) the manner with which new and
emerging challenges are addressed; and

(iii) the renewal of the United States
Government’s political commitment to sus-
tainable development in upcoming inter-
national conferences;

(E) strengthening mechanisms to monitor
critical resources in order to—

(i) ensure resource sustainability for
future generations; and

(ii) adjust present activities accord-
ingly; and

(F) recognizing that sustainable develop-
ment efforts must incorporate a strong urban
lens to help cities—

(i) increase their resilience;

(ii) enact sustainable urban develop-
ment policies and programs; and

(iii) prepare for numerous develop-
mental, environmental, and climate change
challenges;

(3) expanding public-private sector partnerships
and leveraging private sector resources, including—
(A) streamlining the process for developing public-private partnerships and establishing a coordinated approach among all United States departments and agencies undertaking development programs and activities;

(B) emphasizing alliances and coalitions by bringing together a wide range of global partners around a common partnership mission;

(C) enhancing training and incentives by—

(i) creating a training module in partnership development;

(ii) building appropriate incentive structures that reward partnership creation; and

(iii) hiring external partnership experts to build United States Government institutional expertise; and

(D) pursuing a range of innovative partnerships, including connecting to State, local government officials and diaspora communities in the United States and throughout the world—

(i) to share best practices;

(ii) to provide technical assistance; and
(iii) to promote cooperation on shared challenges;

(4) investing in innovation, including supporting and accelerating programs and mechanisms at the United States Agency for International Development (USAID), such as the Development Innovation Ventures, which enable USAID to work with partners to identify, test, and scale evidence-based development solutions that can significantly improve outcomes; and

(5) enhancing transparency by—

(A) publishing detailed information on United States Government humanitarian and development assistance that is timely, accessible, comprehensive, and comparable;

(B) providing comprehensive program level detail on a publicly accessible Web site by expanding the Foreign Assistance Dashboard; and

(C) ensuring that United States Government assistance is reflected on partner countries’ formal budgeting systems, to the extent possible, by establishing—

(i) a baseline by September 30, 2011, that identifies the percentage of all United States humanitarian and development as-
sistance that is on-budget and the percent-
age that is off-budget; and

(ii) consistent guidelines for United
States agencies to follow to determine
when the funding for humanitarian and de-
velopment assistance is on-budget or off-
budget.

SEC. 421. USAID MISSIONS.

Any decision to open a new USAID mission or office
or close or significantly reduce the number of personnel
of any such mission or office shall be subject to the regular
notification procedures of the appropriate congressional
committees unless there is a substantial security risk to
mission personnel.

SEC. 422. MONITORING AND EVALUATION OF UNITED
STATES FOREIGN ASSISTANCE.

(a) IN GENERAL.—The President shall develop and
implement a rigorous system to evaluate the effectiveness
and efficiency of United States foreign assistance.

(b) COMPONENTS OF SYSTEM.—In order to avoid du-
plication, ensure comprehensive coverage, credibility,
unbiasedness, transparency, the generation of high quality
information and knowledge, and to facilitate comparability
of results and the development of a strong body of evi-
(a) the system required under subsection (a) shall in-
clude—

(1) a method of coordinating evaluation activi-
ties among all Executive agencies carrying out
United States foreign assistance; and

(2) a process for consulting with relevant stake-
holders and subject matter experts, as appropriate,
on the planning, design, and implementation of eval-
uation activities and the dissemination of evaluation
findings.

(c) REQUIRED ACTIONS.—In carrying out subsection
(a), the President shall ensure that the head of each Exec-
utive agency takes the following actions with regard to
United States foreign assistance carried out by that agen-
cy:

(1) Establish measurable and meaningful per-
formance objectives, including disaggregation by sex,
as appropriate.

(2) Establish criteria for the selection of pro-
grams, projects, and activities to be subject to var-
ious evaluation methodologies, with a particular em-
phasis on impact evaluation.

(3) Establish or designate an organizational
unit with adequate staff and resources to oversee
and provide technical support for evaluation activities.

(4) Develop a plan for improving the capacity of the agency to conduct rigorous, relevant, and objective program monitoring and evaluation, including—

(A) by providing relevant education and training opportunities;

(B) by encouraging the adoption of improved methodologies for data collection and analysis; and

(C) by ensuring that best practices are shared within and between agencies.

(5) Establish guidelines for enhancing, in cooperation with other donors, the capacity of partner countries to monitor the use of and evaluate the impact of donor assistance.

(6) Establish a process for applying the findings and results of monitoring and evaluation activities, including impact evaluation research, into future program planning, budgeting, design, and implementation.

(7) Establish a policy for the publication of program evaluations.
(8) Develop, in consultation with relevant stakeholders, an annual evaluation plan that describes how the agency will meet the requirements under this section.

(9) Identify the source or mechanism of funding to conduct monitoring and evaluation of United States foreign assistance carried out by such agency.

(d) Submission of Evaluation Plans.—The President shall ensure that the evaluation plans required under subsection (c)(8)—

(1) are submitted annually to the appropriate congressional committees with the annual budget presentation; and

(2) are published on a Government Web site.

(e) Local Performance.—To the extent feasible and appropriate, evaluation activities carried out pursuant to the requirements under this section shall be carried out by, or with the participation of, organizations in the partner country.

(f) Definitions.—In this section:

(1) Appropriate Congressional Committees.—The term “appropriate congressional committees” means 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.

(2) Evaluation.—The term “evaluation” means the systematic and objective determination and assessment of the design, implementation, and results of an ongoing or completed program, project, or activity, including an explanation of the reasons or causes for the observed results.

(3) Executive Agency.—The term “Executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(4) Impact.—The term “impact” means a long-term effect of a program, project, or activity, whether positive or negative, direct or indirect, intended or unintended.

(5) Impact Evaluation Research.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which an impact can be attributed to a United States foreign assistance program, project, or activity rather than to other factors.

(6) Partner Country.—The term “partner country” means a country that is a current or
planned recipient of United States foreign assistance.

(7) RELEVANT STAKEHOLDER.—The term “relevant stakeholder” means a party that is involved in funding, designing or implementing a program being monitored or evaluated.

(8) UNITED STATES FOREIGN ASSISTANCE.—The term “United States foreign assistance” means assistance under this Act, the Foreign Assistance Act of 1961, or related appropriations Acts.

SEC. 423. NATIONAL ACTION PLAN ON WOMEN, PEACE AND SECURITY.

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

(1) United Nations Security Council Resolution 1325 and subsequent Resolutions 1880, 1888, 1889, and 1960 reaffirm the critical role of women in the prevention and resolution of conflicts, including in—

(A) peace negotiations;

(B) peacekeeping and peace-building efforts;

(C) humanitarian response; and

(D) post-conflict reconstruction;

(2) On October 26, 2010, at remarks on the occasion of the Tenth Anniversary of United Nations
Security Council Resolution 1325 on Women, Peace, and Security, the Secretary of State announced the United States commitment to develop a United States National Action Plan to accelerate the implementation of Resolution 1325.

(b) NATIONAL ACTION PLAN.—The President shall coordinate with executive branch agencies to draft a United States National Action Plan that seeks to ensure that the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments—

(1) to promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) to integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) to promote the physical safety, economic security, and dignity of women and girls;

(4) to support women’s equal access to aid distribution mechanisms and services; and

(5) to monitor, analyze, and evaluate implementation efforts and their impact.
(c) Congressional Notification and Briefing.—Upon the completion of the National Action Plan, the President shall notify Congress, and brief the leadership and relevant committees of Congress, regarding the precise commitments and implementation plan.

**TITLE V—PEACE CORPS**

**IMPROVEMENT AND EXPANSION**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Peace Corps Improvement and Expansion Act of 2011”.

**SEC. 502. FINDINGS.**

Congress makes the following findings:

(1) Firmly established beliefs of the Peace Corps include the following:

(A) The act of volunteering has inherent value.

(B) The foreign policy goals of the United States are advanced by—

(i) contributing to the reduction of poverty; and

(ii) fostering international understanding.

(2) More than 200,000 volunteers have ably served in the Peace Corps in 139 countries by—
(A) working towards economic and social
development; and

(B) promoting a better understanding of—

(i) the people of the United States on
the part of the peoples served; and

(ii) other peoples on the part of the
people of the United States.

(3) Today, the importance and necessity is
greater than ever for the Peace Corps—

(A) to promote global economic and social
development;

(B) to promote understanding and friend-
ship; and

(C) to foster collaboration with inter-
national nongovernmental organizations.

(4) Since 1961, a bipartisan succession of
Presidents and Congresses have endorsed the expan-
sion of the Peace Corps in order—

(A) to meet requests from countries to in-
crease the size of the Peace Corps programs in
their countries;

(B) to initiate Peace Corps programs in
countries where the Peace Corps does not cur-
rently operate;
(C) to provide more opportunities for the people of the United States to engage in volunteer service abroad; and

(D) to renew dormant Peace Corps programs.

(5) The purpose of the Peace Corps, as declared by section 2(a) of the Peace Corps Act (22 U.S.C. 2501(a)), is to promote world peace and friendship by helping—

(A) the people of interested countries in meeting their needs for trained men and women, particularly in meeting the basic needs of those living in the poorest areas of such countries;

(B) to promote a better understanding of people of the United States on the part of the peoples served; and

(C) to promote a better understanding of other peoples on the part of the people of the United States.

SEC. 503. REPORT ON THE IMPLEMENTATION OF THE PEACE CORPS COMPREHENSIVE AGENCY ASSESSMENT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the
Peace Corps shall submit a report to the appropriate congressional committees that includes—

1. the progress made toward implementing the recommendations of the Peace Corps Comprehensive Agency Assessment of 2010; and
2. the impact of the Portfolio Review on the current and planned distribution of Peace Corps volunteers throughout the world.

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

1. the Committee on Foreign Relations of the Senate;
2. the Committee on Appropriations of the Senate;
3. the Committee on Foreign Affairs of the House of Representatives; and
4. the Committee on Appropriations of the House of Representatives.

SEC. 504. PERSONAL SERVICES CONTRACTORS.

Section 10(a)(5) of the Peace Corps Act (22 U.S.C. 2509(a)(5)) is amended by striking “for any purpose” and inserting “for the purposes of any law administered by the Office of Personnel Management”.

S 1426 IS
TITLE VI—R.M.S. TITANIC MARITIME MEMORIAL PRESERVATION ACT

SEC. 601. SHORT TITLE.
This title may be cited as the “R.M.S. Titanic Maritime Memorial Preservation Act of 2011”.

SEC. 602. FINDINGS AND PURPOSES.
Section 2 of the R.M.S. Titanic Maritime Memorial Act of 1986 (16 U.S.C. 450rr) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “should be designated” and inserting “is recognized”;

(B) in paragraph (2), by striking “recent”;

(C) in paragraph (3), by striking “and” at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding after paragraph (4) the following:

“(5) the Secretary of Commerce, through the National Oceanic and Atmospheric Administration’s National Marine Sanctuary Program, and in consultation with the Secretary of State, other interested Federal agencies, academic and research institutions, the public, the United Kingdom, France,
and Canada, issued Final Guidelines for Research, Exploration, and Salvage of R.M.S. Titanic on April 12, 2001 (66 Fed. Reg. 18905), as directed under section 5; and

“(6) the Secretary of State, in consultation with the Secretary of Commerce, negotiated the International Agreement with the United Kingdom, France, and Canada pursuant to section 6, which was signed on June 18, 2004, subject to acceptance by the United States.”; and

(2) by amending subsection (b) to read as follows:

“(b) PURPOSE.—The purposes of this Act are—

“(1) to ensure the protection of R.M.S. Titanic and its wreck site as—

“(A) an international maritime memorial and grave site to those aboard the ship who perished in 1912; and

“(B) a site of unique scientific, archeological, cultural, and historical significance for present and future generations;

“(2) to ensure that the planning and conduct of any activities directed at R.M.S. Titanic and its wreck site are consistent with applicable law, including the International Agreement; and
“(3) to call upon the Secretary of State to en-
courage other interested nations, especially nations
with the technological capability to access R.M.S. Ti-
tanic and its wreck site, to consent to be bound by
the International Agreement.”.

SEC. 603. DEFINITIONS.

Section 3 of the R.M.S. Titanic Maritime Memorial
Act of 1986 (16 U.S.C. 450rr–1) is amended to read as
follows:

“SEC. 3. DEFINITIONS.

“In this Act—

“(1) the term ‘collection’ means each grouping
of R.M.S. Titanic property, other than human re-
 mains, that results from recovery activities after
September 1, 1985, at the wreck site of R.M.S. Ti-
tanic authorized by—

“(A) an order of a United States court of
competent jurisdiction;

“(B) a permit granted by the Secretary of
Commerce under section 7; or

“(C) an order of a court or tribunal (in-
cluding any administrative body, Office of Mari-
time Affairs, or Receiver of Wreck) of com-
petent jurisdiction of the United Kingdom,
France, or Canada, or of a state party to the International Agreement;

“(2) the term ‘import’ means to bring into, or introduce into, or attempt to bring into or introduce into, the United States, including its territories and insular possessions, and the territorial sea of the United States (as defined in Presidential Proclamation 5928, issued December 27, 1988);

“(3) the term ‘International Agreement’ means the Agreement concerning the Shipwrecked Vessel RMS Titanic;

“(4) the term ‘Person’ means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government;

“(5) the term ‘R.M.S. Titanic property’ includes—

“(A) the shipwrecked vessel R.M.S. Titanic;

“(B) the cargo of R.M.S. Titanic, any other contents from the ship, or any associated
items scattered on the ocean floor in the vicinity of the ship, or any portion of the ship;

“(C) all such property recovered from the wreck site since September 1, 1985; and

“(D) any human remains of those aboard R.M.S. Titanic who perished;

“(6) the term ‘Rules’ means the ‘Rules Concerning Activities Aimed at the RMS Titanic and/or its Artifacts’ contained in the Annex to the International Agreement; and

“(7) the term ‘United States waters’ means all waters of the United States on the landward side of the baseline from which the breadth of the United States territorial sea is measured, and the waters of the United States territorial sea as described in Presidential Proclamation 5928, dated December 27, 1988.”.

SEC. 604. IMPLEMENTATION OF THE INTERNATIONAL AGREEMENT.


(1) by striking sections 5, 6, and 7;

(2) by redesignating section 8 as section 20;

and

(3) by inserting after section 4 the following:
“SEC. 5. SCOPE AND APPLICABILITY.

“(a) IN GENERAL.—This Act shall apply to—

“(1) any person subject to the jurisdiction of
the United States at the time that such person en-
gages in an activity prohibited under section 6;

“(2) any vessel of the United States, includ-
ing—

“(A) a vessel documented under chapter
121 of title 46, United States Code, or vessels
numbered as provided under chapter 123 of
such title;

“(B) a vessel (other than a vessel that has
been granted the nationality of a foreign nation
in accordance with article 5 of the Convention
on the High Seas, done at Geneva on April 29,
1958, and article 91 of the 1982 Convention on
the Law of the Sea, signed at Montego Bay,
Jamaica on December 10, 1982, if a claim of
nationality or registry for the vessel is made by
the master or individual in charge at the time
of the action by an officer or employee of the
United States authorized to enforce applicable
provisions of United States law) owned in whole
or part by—
“(i) the United States or a territory, commonwealth, or possession of the United States and used on commercial service;

“(ii) a State or a political subdivision of a State and used on commercial service;

“(iii) a citizen or national of the United States; or

“(iv) a corporation created under the laws of the United States, any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; and

“(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was—

“(i) sold to a person that is not a citizen of the United States; or

“(ii) placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation;

“(3) any vessel subject to the jurisdiction of the United States including—

“(A) a vessel without nationality;
“(B) a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of article 6 of the Convention on the High Seas, done at Geneva on April 29, 1958, or article 91 of the Convention on the Law of the Sea, signed at Montego Bay, Jamaica on December 10, 1982;

“(C) a vessel registered in a foreign nation if—

“(i) the flag nation has consented to, or waived objection to, the enforcement of United States law by the United States; and

“(ii) such consent or waiver—

“(I) was obtained by radio, telephone, or similar oral or electronic means; and

“(II) is conclusively proved by certification of the Secretary of State or the Secretary’s designee;

“(D) a vessel located within the customs waters of the United States; and

“(E) a vessel located in the contiguous zone of the United States (as defined in Presi-
dential Proclamation 7219, issued on September 2, 1999) that—

“(i) is entering United States waters;
“(ii) has departed United States waters; or
“(iii) is a hovering vessel (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)); and
“(4) any property made forfeitable under section 11.

“(b) VESSEL WITHOUT NATIONALITY.—

“(1) IN GENERAL.—In this Act, a vessel without nationality includes—

“(A) a vessel aboard which the master or person in charge makes a claim of registry, which claim is denied by the flag nation whose registry is claimed;

“(B) a vessel aboard which the master or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of nationality or registry for that vessel; and

“(C) a vessel aboard which the master or person in charge makes a claim of registry and
the claimed nation of registry does not affirmatively and unequivocally assert that the vessel is of its nationality.

“(2) VERIFICATION OR DENIAL.—A claim of registry under subparagraph (A) or (C) of paragraph (1) may be verified or denied by radio, telephone, or similar oral or electronic means. The response by the claimed flag nation is conclusively proved by certification of the Secretary of State or the Secretary’s designee.

“(c) CLAIM OF NATIONALITY OR REGISTRY.—In this Act, a claim of nationality or registry is limited to—

“(1) possession on board the vessel and production of documents evidencing the vessel’s nationality in accordance with article 5 of the Convention on the High Seas, done at Geneva on April 29, 1958, and article 91 of the Convention on the Law of the Sea, signed at Montego Bay, Jamaica on December 10, 1982;

“(2) flying the flag nation’s ensign or flag; or

“(3) a verbal claim of nationality or registry by the master or person in charge of the vessel.

“(d) APPLICABILITY.—This Act shall not apply to—

“(1) warships;

“(2) naval auxiliaries;
“(3) other vessels—

“(A) owned or operated by the United States; and

“(B) used only for government non-commercial service, unless the vessel engages in an activity designed to disturb, remove, or injure R.M.S. Titanic property; or

“(4) any person on board a vessel described in paragraph (1) who is acting in the course of such person’s duties, unless such person engages in an activity designed to disturb, remove, or injure R.M.S. Titanic property.

“SEC. 6. PROHIBITIONS.

“Except as authorized under section 7, it is unlawful for any person or vessel described in section 5 to—

“(1) engage in any activity that disturbs, removes, or injures, or attempts to disturb, remove, or injure, R.M.S. Titanic property;

“(2) engage in any activity directed at R.M.S. Titanic property located at the wreck site that poses a significant threat to public safety;

“(3) engage in any activity that violates any provision of this Act, or any regulation or permit issued under this Act, or any provision of the Rules;
“(4) sell, purchase, barter, import, export, or offer to sell, purchase, barter, import, export, in interstate or foreign commerce, R.M.S. Titanic property not constituting a collection; or

“(5) enter, or cause entry by means of any equipment, instrumentality, or other property, into the hull sections of R.M.S. Titanic.

“SEC. 7. PERMITS.

“(a) IN GENERAL.—The Secretary of Commerce may issue a permit for an activity otherwise prohibited under section 6 if the Secretary determines that such activity—

“(1) is consistent with the International Agreement and Rules; and

“(2)(A) furthers educational, scientific, or cultural purposes in the public interest; or

“(B) is necessary to protect R.M.S. Titanic property from a significant threat.

“(b) APPLICABILITY.—This section shall apply to any activities directed at R.M.S. Titanic property, including those authorized before the effective date of this Act by a court of competent jurisdiction.

“(c) NOTICE.—Any vessel described in paragraph (2) or (3) of section 5(a) that intends to stop within the zone located within the coordinates of 41°46′00.036588″ N, 049°53′09.391344″ W (Northeast corner);
41°46′00.036588″ N, 049°59′51.08136″ W (Northwest corner); 41°41′00.24864″ N, 049°53′09.391344″ W (Southeast corner); 41°41′00.24864″ N, 049°59′51.08136″ W (Southwest corner) shall, through its owner or agent, provide prior written notice of the timing and purpose of such intended entry to the Secretary of Commerce in a manner sufficient to allow the Secretary to determine whether a permit is required and whether a permit should be granted.

“(d) TERMS AND CONDITIONS.—Any permit issued by the Secretary of Commerce under this section shall contain terms and conditions that fully comply with the Rules.

“(e) FEES.—The Secretary of Commerce may charge and retain reasonable fees to offset expenses associated with the processing of permit applications and the administration of permits issued under this section. Fees collected under this subsection shall be available to cover such costs without further appropriation and shall remain available until expended.

“(f) DEADLINES.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary of Commerce shall act on an application for a permit under this section not later than 180 days after the date on which the Secretary has determined that the application contains
sufficient information for the Secretary to make a
decision on the application.

“(2) ADDITIONAL TIME.—If the Secretary is
unable to comply with the deadline under paragraph
(1), the Secretary shall provide the applicant with
written notification that up to an additional 30 days
will be needed to complete the review. Under no cir-
cumstances may a complete application remain
pending for more than 210 days.

“(3) RULEMAKING.—The Secretary shall pro-
mulgate regulations to—

“(A) identify the scientific, technical,
logistical, or other documentation or justifica-
tion required for the Secretary to make a deci-
sion on the application for permit; and

“(B) ensure the confidentiality of propri-
etary information and data submitted under
this section.

“SEC. 8. LIABILITY.

“(a) LIABILITY TO THE UNITED STATES.—Any per-
son who engages in an activity prohibited under section
6 is liable for response costs, direct and indirect enforce-
ment costs, and any damages resulting from such activity,
including—
“(1) the reasonable costs incurred in storage, restoration, care, maintenance, conservation, and curation of R.M.S. Titanic property; and

“(2) the cost of retrieving any remaining information of a scientific, archeological, cultural, or historical interest from the site at which R.M.S. Titanic property was disturbed, removed, or injured.

“(b) Liability in Rem.—Any vessel (including the vessel’s gear, appurtenances, stores, and cargo), vehicle, aircraft, or other means of transportation, and any money or property used, or intended to be used, to facilitate any violation of this Act or any regulation or permit issued under this Act, shall be liable in rem to the United States for any fine, penalty, or damages assessed or imposed under this Act. The amount of such in rem liability shall constitute a lien and may be recovered in an action in rem in an appropriate district court of the United States.

“SEC. 9. CIVIL ENFORCEMENT.

“(a) Permit Sanction and Civil Administrative Penalty.—

“(1) In General.—Any person who violates any provision of this Act, or any regulation or permit issued under this Act—

“(A) may be subject to a permit sanction; and
“(B) may be assessed a civil administrative penalty by the Secretary of Commerce after notice and an opportunity for a hearing.

“(2) **AMOUNT OF PENALTY.**—A penalty assessed under paragraph (1)(B) may not exceed $250,000 per day for each such violation. Each day of a continuing violation shall constitute a separate violation.

“(3) **ENFORCEMENT OF PENALTY.**—Upon failure of the offending party to pay a penalty under this subsection, the Attorney General, upon the request of the Secretary of Commerce, may commence an action in the appropriate district court of the United States to recover such penalty. In such action, the validity and appropriateness of the final order imposing the civil administrative penalty shall not be subject to review.

“(b) **CIVIL JUDICIAL PENALTY.**—

“(1) **IN GENERAL.**—Any person who violates any provision of this Act, or any regulation or permit issued under this Act, shall be subject to a civil penalty not to exceed $500,000 per day for each such violation. Each day of a continuing violation shall constitute a separate violation.
“(2) Enforcement of Penalty.—Upon the request of the Secretary of Commerce, the Attorney General may commence a civil action in an appropriate district court of the United States. Such court shall have jurisdiction to award civil penalties. In determining the amount of a civil penalty, the court may consider such matters as justice may require.

“(c) Civil Action.—Upon the request of the Secretary of Commerce, acting as trustee for R.M.S. Titanic property, the Attorney General may institute a civil action in an appropriate district court of the United States to—

“(1) recover response costs, direct and indirect enforcement costs, and damages as set forth in section 8; or

“(2) obtain a court order directing any person in possession of R.M.S. Titanic property unlawfully obtained to deliver such R.M.S. Titanic property to the Secretary of Commerce.

“(d) In Rem Action.—Upon the request of the Secretary of Commerce, acting as trustee for R.M.S. Titanic property, the Attorney General may institute an in rem action in an appropriate district court of the United States to—

“(1) satisfy a lien referred to in section 8 in an appropriate district court of the United States; or
“(2) assume custody of R.M.S. Titanic property unlawfully possessed as a result of a violation of this Act, or any regulation or permit issued under this Act.

“(e) INJUNCTIVE RELIEF.—Upon the request of the Secretary of Commerce, the Attorney General may seek to obtain such relief in an appropriate district court of the United States as may be necessary to abate an imminent risk of—

“(1) the disturbance to, removal of, or injury to R.M.S. Titanic property; or

“(2) the sale, purchase, barter, import, or export in interstate or foreign commerce of R.M.S. Titanic property.

“SEC. 10. CRIMINAL ENFORCEMENT.

“(a) IN GENERAL.—Any person who knowingly commits any act prohibited under section 6 is guilty of an offense under this Act.

“(b) PENALTY.—Any person who is convicted of an offense under this section shall be fined not more than $250,000 per day of violation, imprisoned for not more than 5 years, or both.

“SEC. 11. SEIZURE AND FORFEITURE.

“(a) AUTHORIZATION.—The provisions of this Act may be enforced by the Secretary of Commerce and the
Secretary of Homeland Security, or their respective designees.

“(b) DETENTION AND ARREST.—Any person authorized by the Secretary of Commerce or the Secretary of Homeland Security to enforce this Act may—

“(1) detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation and otherwise as permitted by law;

“(2) make arrests without a warrant for any violation of this Act if the authorized person has reasonable grounds to believe that the person to be arrested is committing the violation in their presence or view;

“(3) execute and serve any arrest warrant, seizure warrant, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of this Act, or any regulation or permit issued under this Act; and

“(4) search and seize property described in paragraph (1), with or without a warrant, as authorized by law.

“(c) TEMPORARY DISPOSITION OF PROPERTY.—

“(1) IN GENERAL.—Any R.M.S. Titanic property, or other property seized pursuant to subsection
(b)(4), shall be held by any person authorized by the Secretary of Commerce or the Secretary of Homeland Security pending disposition of civil or criminal proceedings, administrative forfeiture proceedings, actions in rem for forfeiture of such R.M.S. Titanic property or other property pursuant to this section, or criminal forfeiture proceedings pursuant to this section, as authorized under section 2461(c) of title 28, United States Code.

“(2) EXCEPTION.—Instead of holding the property described in paragraph (1), the Secretary of Commerce or the Secretary of Homeland Security may permit the owner or consignee of such property to post a bond or other surety satisfactory to the Secretary of Commerce or the Secretary of Homeland Security.

“(d) PROPERTY SUBJECT TO FORFEITURE.—The following property shall be subject to forfeiture to the United States:

“(1) Any R.M.S. Titanic property possessed, taken, retained, purchased, sold, bartered, imported, or exported contrary to the provisions of this Act, or any regulation or permit issued under this Act.

“(2) Any property, real or personal, that constitutes, or is derived from, the proceeds of any vio-
lation of this Act, or any regulation or permit issued under this Act.

“(3) Any vessel (including the vessel’s gear, appurtenances, stores, and cargo), vehicle, aircraft, or other means of transportation and any money or other property used or intended to be used to facilitate any violation of this Act, or any regulation or permit issued under this Act.

“(4) Any property traceable to the property described in paragraph (1), (2), or (3).

“(e) REBUTTABLE PRESUMPTION.—In this section, there is a rebuttable presumption that all R.M.S. Titanic property found on board a vessel that is used or seized in connection with a violation of this Act, or any regulation or permit issued under this Act, was taken or retained in violation of this Act, or a regulation or permit issued under this Act.

“(f) FINAL DISPOSITION OF PROPERTY.—Upon forfeiture of any R.M.S. Titanic property or other property to the United States pursuant to this section, or the abandonment or waiver of any claim to any such property, the property shall be disposed of by the Secretary of Commerce in such a manner, consistent with the purposes of this Act, as the Secretary shall prescribe by regulation. Any R.M.S. Titanic property ordered forfeited to the
United States shall be held in trust by the Secretary of Commerce on behalf of the public and disposed of in a manner consistent with the purposes of this Act. Forfeited R.M.S. Titanic property that does not constitute a collection may not be sold.

“(g) Civil Forfeitures.—

“(1) In general.—Except as provided in paragraph (2), the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures shall extend to any seizure or administrative or civil judicial forfeiture under this section to the extent that such provisions are not inconsistent with this Act.

“(2) Performance of duties.—Any duties imposed upon the Attorney General, the Secretary of the Treasury, or the Postmaster General shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Secretary of Commerce or the Secretary of Homeland Security, as appropriate.

“(h) Criminal Forfeitures.—

“(1) In general.—Any person who is convicted of an offense under section 10 shall forfeit property to the United States pursuant to this sec-
tion, as authorized by section 2461(c) of title 28,
United States Code.

“(2) PROCEDURES.—The procedures under sec-
section 413 of the Controlled Substances Act (21
U.S.C. 853) (except subsection (d) of such section),
insofar as such provisions are not inconsistent with
this Act, shall apply to—

“(A) all stages of a criminal forfeiture of
property under this section, including any sei-
zure and disposition of such property; and

“(B) any administrative or judicial pro-
ceeding in relation to such forfeiture.

“SEC. 12. DISPOSITION OF MONIES RECOVERED.

“(a) IN GENERAL.—Notwithstanding any other pro-
vision of law, any monies collected under sections 8, 9,
10, and 11, either directly or through the sale of forfeited
property, after payment of related expenses—

“(1) are authorized to be paid into 1 or more
special accounts of the Department of the Treasury;
and

“(2) shall be used by the Secretary of Com-
merce for—

“(A) conservation of Titanic artifacts re-
covered pursuant to an enforcement action;
“(B) conservation of any Titanic collection of lawfully salvaged artifacts; or

“(C) the collection of the USS Monitor National Marine Sanctuary artifacts at The Mariners’ Museum.

“(b) DISPOSITION OF EXCESS FUNDS.—If the proceeds from an enforcement action exceed the amount of funds needed for the conservation of artifacts from that case, the Titanic collection, and the Monitor collection, such excess amount shall be deposited in the General Fund of the Treasury.

“SEC. 13. INTERNATIONAL COOPERATION.

“In cooperation with the Secretary of State, the Secretary of Commerce is authorized to inform and consult with representatives of foreign nations and others regarding the protection and preservation of R.M.S. Titanic property, including the issuance of permits pursuant to section 7.

“SEC. 14. AGREEMENTS AND AUTHORITY TO UTILIZE GRANT FUNDS.

“(a) AGREEMENTS.—The Secretary of Commerce may, as appropriate, enter into agreements with any person to use the personnel, services, equipment, or facilities of such person, on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes of this Act.
“(b) Authority To Utilize Grant Funds.—The Secretary of Commerce—

“(1) except as provided in paragraph (2), may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs if such funding furthers the purposes of this Act;

“(2) may not apply for, accept, or obligate any grant funding under paragraph (1) if—

“(A) the granting agency is not authorized to award grants to Federal agencies; or

“(B) the grant will be used for any purposes, or will be subject to any conditions, that are prohibited by law or regulation;

“(3) may use amounts appropriated for the purpose of this Act to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment before such amounts are appropriated; and

“(4) shall deposit grant funds in the National Oceanic and Atmospheric Administration account that serves to accomplish the purpose for which the grant was awarded.
“SEC. 15. MONITORING AUTHORIZATION.

“In order to carry out the purposes of this Act, the Secretary of Commerce may—

“(1) monitor the wreck site of R.M.S. Titanic; and

“(2) conduct such monitoring in coordination with the personnel, services, and facilities of other Federal departments, agencies, or instrumentalities on a reimbursable or nonreimbursable basis.

“SEC. 16. RULEMAKING.

“The Secretary of Commerce is authorized to promulgate regulations to implement this Act, including, as necessary, regulations providing for the issuance of permits under section 7. Such regulations shall be consistent with the International Agreement and Rules.

“SEC. 17. RELATIONSHIP TO OTHER LAWS.

“(a) LIABILITY.—Nothing in sections 4281 through 4289 of the Revised Statutes of the United States or section 3 of the Act of February 13, 1893, shall limit the liability of any person under this Act.

“(b) SEIZURE AND FORFEITURE OF PROPERTY.—Nothing in this Act may be construed to affect the seizure and forfeiture of property, including R.M.S. Titanic property, under the customs laws of the United States, or the issuance of penalties under such laws.
“(c) INTERNATIONAL AGREEMENTS.—This Act and any implementing regulations shall be applied in accordance with applicable law, including treaties, conventions, and other international agreements to which the United States is a party.

“(d) FREEDOMS OF THE HIGH SEAS.—Except to the extent that an activity is undertaken as a subterfuge for activities prohibited under this Act, nothing in this Act is intended to affect the exercise of traditional freedoms of the high seas, including—

“(1) navigation;

“(2) the laying of submarine cables and pipelines;

“(3) operation of vessels;

“(4) fishing; or

“(5) other internationally lawful uses of the sea related to such freedoms.

“(e) SEVERABILITY.—Each provision of this Act is severable. If a court of competent jurisdiction should find any provision of this Act to be unenforceable, all other provisions shall remain in full force and effect.

“(f) SALVAGE RIGHTS.—An order granting salvage rights to R.M.S. Titanic by a court of competent jurisdiction prior to the effective date of this Act shall not exempt any person from complying with this Act or any regulation
or permit issued under this Act. Without prejudice to the orders of a United States Court of competent jurisdiction, issued in reference to the entity known as ‘RMS Titanic, Inc.’, prior to the effective date of this legislation (the status of such orders to be unaffected by this legislation), no person may obtain salvage rights to R.M.S. Titanic or R.M.S. Titanic property, after the effective date of this Act, except by an assignment or transfer of existing rights or through the orders of a United States Court of competent jurisdiction issued in reference to the entity known as ‘R.M.S. Titanic, Inc.’.

“(g) Law of Finds.—The law of finds shall not apply to R.M.S. Titanic or R.M.S. Titanic property.

“(h) Collection Management.—Each collection shall be managed and maintained in accordance with the Rules.


“No civil action may be brought, and no criminal prosecution may be commenced, by the United States to enforce this Act, or any regulation or permit issued under this Act, after the date that is 8 years after the date on which—

“(1) all facts material to the right of action or offense are known by the Secretary of Commerce; and
“(2) jurisdiction can be exercised over the defendant.

“SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary $1,000,000 for each of the fiscal years 2012 through 2016 to carry out this Act, which shall remain available until expended.”.

SEC. 605. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 701. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) IN GENERAL.—The amounts set forth in this section are authorized to be appropriated under “Administration of Foreign Affairs” for the Department of State 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.

(b) DIPLOMATIC AND CONSULAR PROGRAMS.—

(1) IN GENERAL.—There is authorized to be appropriated for fiscal year 2012, for “Diplomatic and Consular Programs”, $11,893,457,000, of which—
(A) $1,700,584,000 is authorized to be appropriated for worldwide security protection; and

(B) $536,475,000 is authorized to be appropriated for public diplomacy.

(2) TRANSFERS.—

(A) TO EMERGENCIES ACCOUNT.—Of the amounts authorized to be appropriated under paragraph (1), up to $10,000,000 may be transferred to, and merged with amounts in, the “Emergencies in the Diplomatic and Consular Service Account”.

(B) FROM EMERGENCIES ACCOUNT.—Of the amounts authorized to be appropriated for fiscal year 2012 for the “Emergencies in the Diplomatic and Consular Service Account”, up to $1,000,000 may be transferred to, and merged with amounts in, the “Repatriation Loans Program Account”.

(c) CAPITAL INVESTMENT FUND.—There is authorized to be appropriated $125,000,000 for fiscal year 2012 for the “Capital Investment Fund”.

(d) EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.—There is authorized to be appropriated for fiscal year 2012—
(1) $863,317,000 for ongoing operations; and
(2) $938,200,000 for worldwide security up-grades.

(c) Conflict Stabilization Operations.—There is authorized to be appropriated $92,200,000 for fiscal year 2012 for “Conflict Stabilization Operations”.

(f) Educational and Cultural Exchange Programs.—There is authorized to be appropriated for fiscal year 2012, for “Educational and Cultural Exchange Programs”, $637,100,000, of which—

(1) $750,000 may be used to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319); and

(2) $650,000 may be used for the “Ngawang Choepel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of such Act.

(g) Representation Allowances.—There is au-thorized to be appropriated $8,175,000 for fiscal year 2012 for “Representation Allowances”.

(h) Protection of Foreign Missions and Officials.—There is authorized to be appropriated
$27,744,000 for fiscal year 2012 for “Protection of Foreign Missions and Officials”.

(i) **Emergencies in the Diplomatic and Consular Service.**—There is authorized to be appropriated $10,000,000 for fiscal year 2012 for “Emergencies in the Diplomatic and Consular Service”.

(j) **Repatriation Loans.**—There is authorized to be appropriated $1,800,000 for fiscal year 2012 for “Repatriation Loans”.

(k) **Payment to the American Institute in Taiwan.**—There is authorized to be appropriated $23,320,000 for fiscal year 2012 for “Payment to the American Institute in Taiwan”.

(l) **Office of the Inspector General.**—There is authorized to be appropriated for fiscal year 2012, for “Office of the Inspector General”, $128,086,000, of which—

(1) $18,545,000 is authorized to be appropriated for the Special Inspector General for Iraq Reconstruction; and

(2) $44,387,000 is authorized to be appropriated for the Special Inspector General for Afghanistan Reconstruction.

(m) **Fiscal Year 2013.**—There are authorized to be appropriated for fiscal year 2013 such sums as may be
necessary for the programs, funds, activities, and other
financial instruments set forth in subsections (b) through
(l).

SEC. 702. INTERNATIONAL ORGANIZATIONS AND CON-
FERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
ORGANIZATIONS.—There is authorized to be appropriated
for fiscal year 2012, for “Contributions to International
Organizations”, $1,619,400,000 to carry out—

(1) the authorities, functions, duties, and re-
 sponsibilities in the conduct of the foreign affairs of
the United States with respect to international orga-
nizations; and

(2) other authorized activities relating to such
purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
KEEPING ACTIVITIES.—There is authorized to be appro-
 priated for fiscal year 2012, for “Contributions for Inter-
national Peacekeeping Activities”, $1,920,000,000,
which—

(1) shall be used to carry out—

(A) the authorities, functions, duties, and
 responsibilities of the United States with re-
spect to international peacekeeping activities;
and
(B) other authorized activities relating to such purposes; and

(2) shall remain available until expended.

(c) Foreign Currency Exchange Rate.—

(1) In general.—In addition to amounts authorized to be appropriated under this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 to offset adverse fluctuations in foreign currency exchange rates.

(2) Limitation.—Amounts appropriated pursuant to this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to the fluctuations described in paragraph (1).

(d) Fiscal Year 2013.—There are authorized to be appropriated for fiscal year 2013 such sums as may be necessary for the contributions described in subsections (a) and (b).

SEC. 703. INTERNATIONAL COMMISSIONS.

(a) In general.—The amounts set forth in this section are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and respon-
sibilities in the conduct of the foreign affairs of the United
States with respect to international commissions and for
other purposes authorized by law:

(b) International Boundary and Water Com-
mission, United States and Mexico.—There are au-
thorized to be appropriated for fiscal year 2012, for
“International Boundary and Water Commission, United
States and Mexico”—

(1) $45,591,000 for “Salaries and Expenses”;
and

(2) $31,900,000 for “Construction”.

c) International Boundary Commission,
United States and Canada.—There is authorized to be
appropriated $2,422,000 for fiscal year 2012 for
“International Boundary Commission, United States and
Canada”.

d) International Joint Commission.—There is
authorized to be appropriated $7,237,000 for fiscal year
2012 for “International Joint Commission”.

e) International Fisheries Commissions.—
There is authorized to be appropriated $31,291,000 for
fiscal year 2012 for “International Fisheries Commissions”.

(f) Fiscal Year 2013.—There are authorized to be
appropriated for fiscal year 2013 such sums as may be
necessary for the international commissions referred to in subsections (b) through (e).

SEC. 704. MIGRATION AND REFUGEE ASSISTANCE.

(a) Migration and Refugee Assistance.—There is authorized to be appropriated for fiscal year 2012, for authorized activities for “Migration and Refugee Assistance”, $1,613,100,000—

(1) of which $25,000,000 may be used for the resettlement of humanitarian migrants to Israel; and

(2) which shall remain available until expended.

(b) Emergency Refugee and Migration Assistance Account.—Section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended by striking “$100,000,000” and inserting “$200,000,000.”.

(e) United States Emergency Refugee and Migration Assistance.—There is authorized to be appropriated $40,000,000 for fiscal year 2012 for “U.S. Emergency Refugee and Migration Assistance”.

(d) Fiscal Year 2013.—There are authorized to be appropriated for fiscal year 2013 such sums as may be necessary for the migration and refugee assistance purposes referred to in subsections (a) through (e).
SEC. 705. CENTERS AND FOUNDATIONS.

(a) Asia Foundation.—There is authorized to be appropriated $19,000,000 for fiscal year 2012 to carry out authorized activities for “The Asia Foundation”.

(b) National Endowment for Democracy.—There is authorized to be appropriated $105,000,000 for fiscal year 2012 to carry out authorized activities for “National Endowment for Democracy”.

(c) Center for Cultural and Technical Interchange Between East and West.—There is authorized to be appropriated $11,400,000 for fiscal year 2012 to carry out authorized activities for “Center for Cultural and Technical Interchange Between East and West”.

(d) Fiscal Year 2013.—There are authorized to be appropriated for fiscal year 2013 such sums as may be necessary for the centers and foundations referred to in subsections (a) through (c).

Subtitle B—United States International Broadcasting Activities

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out United States Government 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 related to such purposes—

(1) for “International Broadcasting Operations”—

(A) $754,261,000 for fiscal year 2012; and

(B) such sums as may be necessary for fiscal year 2013; and

(2) for “Broadcasting Capital Improvements”—

(A) $12,769,000 for fiscal year 2012; and

(B) such sums as may be necessary for fiscal year 2013.

Subtitle C—Peace Corps

SEC. 721. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended to read as follows:

“(1) There is authorized to be appropriated to carry out the purposes of this chapter—

“(A) $439,600,000 for fiscal year 2012; and

“(B) such sums as may be necessary for fiscal year 2013.”.
Subtitle D—Other Provisions

SEC. 731. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act may be construed as affecting, in any way, existing statutory prohibitions related to abortion or existing statutory prohibitions on the use of funds to lobby for or against abortion.