

112TH CONGRESS
1ST SESSION

S. 1426

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.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

7 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. 123. Radio Free Europe and Radio Liberty pay parity.
- 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. 202. Mass atrocities.
- 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.

Sec. 307. United States membership in the International Renewable Energy Agency.

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. 406. Enhancing the capacity of the Office of the Inspector General for the United States Agency for International Development.

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.

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- Sec. 418. Working Capital Fund.
- Sec. 419. Retention of interest earned on advanced funds.
- Sec. 420. Statement of global development policy.
- Sec. 421. USAID missions.
- Sec. 422. Monitoring and evaluation of United States foreign assistance.
- Sec. 423. National Action Plan on Women, Peace and Security.

TITLE V—PEACE CORPS IMPROVEMENT AND EXPANSION

- Sec. 501. Short title.
- Sec. 502. Findings.
- Sec. 503. Report on the implementation of the Peace Corps comprehensive agency assessment.
- Sec. 504. Personal services contractors.

TITLE VI—R.M.S. TITANIC MARITIME MEMORIAL PRESERVATION ACT

- Sec. 601. Short title.
- Sec. 602. Findings and purposes.
- Sec. 603. Definitions.
- Sec. 604. Implementation of the international agreement.
- Sec. 605. Effective date.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Department of State

- Sec. 701. Administration of foreign affairs.
- Sec. 702. International organizations and conferences.
- Sec. 703. International commissions.
- Sec. 704. Migration and refugee assistance.
- Sec. 705. Centers and foundations.

Subtitle B—United States International Broadcasting Activities

- Sec. 711. Authorization of appropriations.

Subtitle C—Peace Corps

- Sec. 721. Authorization of appropriations.

Subtitle D—Other Provisions

- Sec. 731. Relationship to other laws.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

- 3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
- 4 TEES.—Except as provided in section 503(c), the
- 5 term “appropriate congressional committees” means
- 6 the Committee on Foreign Relations of the Senate

1 and the Committee on Foreign Affairs of the House
2 of Representatives.

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

5 **TITLE I—DEPARTMENT OF**
6 **STATE AUTHORITIES AND AC-**
7 **TIVITIES**

8 **Subtitle A—General Matters**

9 **SEC. 101. INTERNATIONAL LITIGATION FUND.**

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

16 **SEC. 102. ACTUARIAL VALUATIONS.**

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

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

23 (2) by amending the second sentence to read as
24 follows: “The Secretary of State may expend such
25 sums as may be necessary to administer the provi-

1 sions of this chapter, including actuarial advice, but
2 only to the extent and in such amounts as are pro-
3 vided in advance in appropriations acts.”.

4 (b) AUTHORITY OF SECRETARY OF STATE TO DE-
5 TERMINE PORTION OF FOREIGN SERVICE RETIREMENT
6 AND DISABILITY FUND AVAILABLE FOR INVESTMENT.—
7 Section 819 of such Act (22 U.S.C. 4059) is amended by
8 striking “Secretary of the Treasury” the second place it
9 appears and inserting “Secretary of State”.

10 (c) AUTHORITY OF SECRETARY OF STATE TO PRE-
11 SCRIBE MORTALITY TABLES.—Section 825(b) of such Act
12 (22 U.S.C. 4065(b)) is amended—

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

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

18 (d) AUTHORITY OF SECRETARY OF STATE TO MAKE
19 PERIODIC VALUATIONS.—Section 859(c) of the Foreign
20 Service Act of 1980 (22 U.S.C. 4071h(c)) is amended—

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

23 (2) by striking “and shall advise the Secretary
24 of State of (1) the normal cost of the System, (2)
25 the supplemental liability of the System, and (3) the

1 amounts necessary to finance the costs of the Sys-
2 tem.” and inserting the following: “that will pro-
3 vide—

4 “(1) the normal cost of the System;

5 “(2) the supplemental liability of the System;

6 and

7 “(3) the amounts necessary to finance the costs
8 of the System.”.

9 **SEC. 103. SPECIAL AGENTS.**

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

12 (1) in subsection (a), by amending paragraph
13 (1) to read as follows:

14 “(1) conduct investigations concerning—

15 “(A) illegal passport or visa issuance or
16 use;

17 “(B) identity theft or document fraud af-
18 fecting, or relating to, the programs, functions,
19 or authorities of the Department of State; and

20 “(C) Federal offenses committed within
21 the special maritime and territorial jurisdiction
22 of the United States (as such term is defined
23 in section 7(9) of title 18, United States Code),
24 except as that jurisdiction relates to the prem-

1 ises of United States military installations and
2 related residences;” and

3 (2) by adding at the end the following:

4 “(d) **RULE OF CONSTRUCTION.**—Nothing in sub-
5 section (a)(1) may be construed to limit the investigative
6 authority of any other Federal department or agency.”.

7 **SEC. 104. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

8 Section 29 of the State Department Basic Authorities
9 Act of 1956 (22 U.S.C. 2701) is amended by inserting
10 “physical security enhancements and” after “Such assist-
11 ance may include”.

12 **SEC. 105. ENHANCED DEPARTMENT OF STATE AUTHORITY**
13 **FOR UNIFORMED SECURITY OFFICERS.**

14 The State Department Basic Authorities Act of 1956
15 is amended by inserting after section 37 (22 U.S.C. 2709)
16 the following:

17 **“SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE**
18 **UNITED STATES BY UNIFORMED GUARDS.**

19 “(a) **ENFORCEMENT AUTHORITIES FOR UNIFORMED**
20 **GUARDS.**—The Secretary of State may authorize Depart-
21 ment of State uniformed guards to protect buildings and
22 areas within the United States for which the Department
23 of State provides protective services, including duty in
24 areas outside the property to the extent necessary to pro-
25 tect the property and persons in that area.

1 “(b) POWERS OF GUARDS.—While engaged in the
2 performance of official duties as a uniformed guard under
3 subsection (a), a guard may—

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

6 “(2) carry firearms; and

7 “(3) make arrests without warrant for—

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

10 “(B) any felony cognizable under the laws
11 of the United States if the guard has reason-
12 able grounds to believe that the person to be ar-
13 rested has committed, or is committing, such
14 felony in connection with the buildings, areas,
15 or persons for which the Department of State
16 is providing protective services.

17 “(c) REGULATIONS.—

18 “(1) IN GENERAL.—The Secretary of State, in
19 consultation with the Secretary of Homeland Secu-
20 rity, may prescribe such regulations as may be nec-
21 essary for the administration of buildings and areas
22 within the United States for which the Department
23 of State provides protective services, including rea-
24 sonable penalties for violations of such regulations,
25 within the limits prescribed in subsection (d).

1 “(A) the Secretary may award contracts on
2 the basis of best value (as determined by a cost-
3 technical tradeoff analysis); and

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

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

14 **SEC. 107. EXTENSION OF PERIOD FOR REIMBURSEMENT**
15 **FOR SEIZED COMMERCIAL FISHERMEN.**

16 Section 7(e) of the Fishermen’s Protective Act of
17 1967 (22 U.S.C. 1977(e)) is amended by striking “2008”
18 and inserting “2013”.

19 **SEC. 108. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**
20 **POENAS.**

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

23 (1) in subsection (a)—

24 (A) in paragraph (1)(A)—

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

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

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

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

10 “(iii) an offense under section 878, or
11 a threat against a person, foreign mission,
12 or organization authorized to receive pro-
13 tection by special agents of the Depart-
14 ment of State and the Foreign Service
15 under section 37(a)(3) of the State De-
16 partment Basic Authorities Act of 1956
17 (22 U.S.C. 2709(a)(3)) if the Assistant
18 Secretary for Diplomatic Security or the
19 Director of the Diplomatic Security Service
20 determines that the threat constituting the
21 offense or threat against the person or
22 place protected is imminent, the Secretary
23 of State; or

24 “(iv) an offense under chapter 75, the
25 Secretary of State,”;

1 (B) by amending paragraph (9) to read as
2 follows:

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

7 (C) by adding at the end the following:

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

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

16 **SEC. 109. TECHNICAL AMENDMENT TO FEDERAL WORK-**
17 **FORCE FLEXIBILITY ACT.**

18 Chapter 57 of title 5, United States Code, is amend-
19 ed—

20 (1) in section 5753(a)(2)(A), by inserting “, ex-
21 cluding members of the Foreign Service other than
22 chiefs of mission, ambassadors at large, and other
23 members of the Foreign Service subject to examina-
24 tions under section 302(b) of the Foreign Service

1 Act of 1980 (22 U.S.C. 3941(b))” before the semi-
2 colon at the end; and

3 (2) in section 5754(a)(2)(A), by inserting “, ex-
4 cluding members of the Foreign Service other than
5 chiefs of mission, ambassadors at large, and other
6 members of the Foreign Service subject to examina-
7 tions under section 302(b) of the Foreign Service
8 Act of 1980 (22 U.S.C. 3941(b))” before the semi-
9 colon at the end.

10 **SEC. 110. EMERGENCY REFUGEE AND MIGRATION ASSIST-**
11 **ANCE ACCOUNT.**

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

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

17 (2) in paragraph (2), by striking
18 “\$100,000,000” and inserting “\$200,000,000”.

19 **SEC. 111. REIMBURSEMENT FOR USE OF GOVERNMENT VE-**
20 **HICLES OVERSEAS.**

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

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

25 (2) by adding at the end the following:

1 “(b) Funds received by the Department of State in
2 connection with the use of vehicles owned or leased by the
3 Government under subsection (a)—

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

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

9 **SEC. 112. ACCOUNTABILITY REVIEW BOARDS.**

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

15 “(3) WAIVER AUTHORITY.—

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

22 “(B) WAIVER REQUIREMENTS.—If the
23 Secretary waives the requirement under para-
24 graph (1), the Secretary shall—

1 “(i) promptly notify the Committee on
 2 Foreign Relations of the Senate and the
 3 Committee on Foreign Affairs of the
 4 House of Representatives of the incident;

5 “(ii) conduct an inquiry into the inci-
 6 dent and the circumstances surrounding
 7 the incident; and

8 “(iii) upon completing the inquiry re-
 9 quired by clause (ii), submit a report to
 10 each committee described in clause (i) that
 11 contains—

12 “(I) the findings and rec-
 13 ommendations related to such inquiry;
 14 and

15 “(II) the actions taken with re-
 16 spect to such recommendations.”.

17 **SEC. 113. HOME-TO-WORK TRANSPORTATION.**

18 Section 1344(b)(4) of title 31, United States Code,
 19 is amended by inserting “the Deputy Secretary of State,
 20 the Deputy Secretary of State for Management and Re-
 21 sources,” before “principal diplomatic”.

22 **Subtitle B—Public Diplomacy**

23 **SEC. 121. PUBLIC DIPLOMACY RESOURCE CENTERS.**

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

1 (1) Of the 177 information resource centers op-
2 erated by the Department of State as of February
3 2009—

4 (A) 87 (49 percent) operated on a “by ap-
5 pointment only” basis; and

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

8 (2) Information resource centers located outside
9 United States embassy compounds receive signifi-
10 cantly more visitors than the centers located inside
11 such compounds, including—

12 (A) twice the number of visitors in Africa;

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

15 (C) 22 times more visitors in Asia.

16 (3) Iran has increased the number of similar
17 Iranian facilities, known as Iranian Cultural Cen-
18 ters, to about 60 throughout the world.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the Secretary of State should initiate a re-
22 examination of the public diplomacy platform strat-
23 egy of the United States with a goal of reestab-
24 lishing publicly accessible American Centers; and

1 (2) after taking into account relevant security
2 considerations, the Secretary of State should con-
3 sider placing United States public diplomacy facili-
4 ties at locations conducive to maximizing their use,
5 consistent with the authority given to the Secretary
6 under section 606(a)(2)(B) of the Secure Embassy
7 Construction and Counterterrorism Act of 1999 (22
8 U.S.C. 4865(a)(2)(B)) to waive certain requirements
9 of that Act.

10 **SEC. 122. EMPLOYMENT OF NONCITIZENS FOR INTER-**
11 **NATIONAL BROADCASTING.**

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

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

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

18 (2) in subsection (a)(1), as redesignated, by
19 striking “Attorney General” and inserting “Sec-
20 retary of Homeland Security”; and

21 (3) by adding at the end the following:

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

25 “(1) are United States citizens; and

1 “(2) are equally or better qualified than the ap-
2 plicants who are not United States citizens.”.

3 **SEC. 123. RADIO FREE EUROPE AND RADIO LIBERTY PAY**
4 **PARITY.**

5 (a) IN GENERAL.—Section 308(h)(1)(C) of the
6 United States International Broadcasting Act of 1994 (22
7 U.S.C. 6207(h)(1)(C)) is amended by striking “, to pay
8 up to three” and inserting “to pay employees, who are
9 equivalent to senior executives under section 3132 of title
10 5, United States Code, senior level employees under sec-
11 tion 5108 of such title, or scientific or professional employ-
12 ees under section 3104 of such title, a salary that is equal
13 to or less than—

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

17 “(ii) if the Board certifies that the employ-
18 ees are covered by a performance appraisal sys-
19 tem meeting the certification criteria estab-
20 lished by regulation under section 5307(d) of
21 such title, the rate of pay payable for level II
22 of the Executive Schedule under section 5313
23 of such title.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect immediately after the expi-

1 ration of the pay freeze period required under section 147
2 of the Continuing Appropriations Act, 2011 (Public Law
3 111–242).

4 **SEC. 124. PERSONAL SERVICES CONTRACTING PROGRAM**
5 **FOR THE BROADCASTING BOARD OF GOV-**
6 **ERNORS.**

7 Section 504 of the Foreign Relations Authorization
8 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.
9 6206 note), is amended—

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

12 (2) in subsection (a)—

13 (A) by striking “pilot”;

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

16 (C) by adding at the end the following: “A
17 personal services contractor hired pursuant to
18 this section shall not be considered a Federal
19 employee (as defined under section 2105 of title
20 5, United States Code) for any purpose.”;

21 (3) in subsection (b)—

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

24 (B) by adding at the end the following:

1 “(5) The annual salary rate for personal serv-
2 ices contractors may not exceed the rate for level IV
3 of the Executive Schedule under section 5315 of title
4 5, United States Code.”; and

5 (4) in subsection (c), by striking “December 31,
6 2009” and inserting “December 31, 2014”.

7 **SEC. 125. DISSEMINATION OF PUBLIC DIPLOMACY INFOR-**
8 **MATION WITHIN THE UNITED STATES.**

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

13 (1) in subsection (a), by inserting “or the inter-
14 national broadcasting programs as carried out by
15 the Broadcasting Board of Governors after the
16 transfer of functions pursuant to this subdivision”
17 before the period at the end;

18 (2) in subsection (b), by adding at the end the
19 following: “Nothing in section 501 (22 U.S.C.
20 1461), section 202 (22 U.S.C. 1461–1), or section
21 208 (22 U.S.C. 1461–1a) shall apply to prohibit or
22 restrict international broadcast operations trans-
23 ferred to the Broadcasting Board of Governors pur-
24 suant to this subdivision.”; and

1 (3) in subsection (c), by adding at the end the
2 following: “The limitation under this subsection shall
3 not apply to funds authorized to be appropriated for
4 international broadcasting programs carried out by
5 the Broadcasting Board of Governors pursuant to
6 the United States International Broadcasting Act of
7 1994 (22 U.S.C. 6201 et seq.).”.

8 (b) EXCEPTION TO BAN ON DOMESTIC ACTIVITIES
9 BY THE USIA.—Section 208 of the Foreign Relations Au-
10 thorization Act, Fiscal Years 1986 and 1987 (Public Law
11 99–93; 22 U.S.C. 1461–1a) is amended by inserting “or
12 the United States International Broadcasting Act of 1994
13 (22 U.S.C. 6201 et seq.)” before the period at the end.

14 **SEC. 126. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

15 (a) IN GENERAL.—Under the authority, direction,
16 and control of the President, the Secretary of State, in
17 accordance with the Mutual Educational and Cultural Ex-
18 change Act of 1961 (22 U.S.C. 2451 et seq.), may in-
19 crease the number of educational and cultural exchange
20 activities involving persons from scientific, medical, re-
21 search, and academic sectors by—

22 (1) establishing new programs under such Act;

23 and

24 (2) expanding the coverage of existing programs
25 under such Act.

1 (b) SCIENCE ENVOY PROGRAM.—Section 504 of the
2 Foreign Relations Authorization Act, Fiscal Year 1979
3 (22 U.S.C. 2656d), is amended by adding at the end the
4 following:

5 “(e)(1) The Secretary may award grants and enter
6 into cooperative agreements related to science and tech-
7 nology fellowship programs of the Department of State,
8 including for assistance in recruiting fellows and the pay-
9 ment of stipends, travel, and other appropriate expenses
10 to fellows.

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

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

14 “(B) used to select our Nation’s preeminent sci-
15 entists, Nobel laureates, and leaders in technology
16 who will travel overseas to represent the commit-
17 ment of the United States to collaborate with other
18 countries to promote the advancement of science and
19 technology throughout the world based on issues of
20 common interest and expertise.

21 “(3) Stipends awarded under this subsection shall not
22 be considered compensation for purposes of section 209
23 of title 18, United States Code.

1 “(4) The total amount of grants awarded under this
2 subsection shall not exceed \$2,000,000 in any fiscal
3 year.”.

4 **SEC. 127. BROADCASTING BOARD OF GOVERNORS.**

5 (a) ELIMINATION OF EDITORIALS AS BROADCASTING
6 PRINCIPLE OF UNITED STATES GOVERNMENT.—Section
7 303(b)(3) of the United States International Broadcasting
8 Act of 1994 (22 U.S.C. 6202(b)(3)) is amended by strik-
9 ing “, including editorials,”.

10 (b) EXTENSION OF IMMUNITY FROM CIVIL LIABIL-
11 ITY TO MEMBERS OF BROADCASTING BOARD OF GOV-
12 ERNORS ACTING IN CAPACITY AS BOARD MEMBERS OF
13 MIDDLE EAST BROADCASTING NETWORKS, INC.—Section
14 304(g) of the United States International Broadcasting
15 Act of 1994 (22 U.S.C. 6203(g)) is amended by striking
16 “RFE/RL Incorporated and” and inserting “RFE/RL In-
17 corporated, Middle East Broadcasting Networks, Inc.,
18 and”.

19 **SEC. 128. JOURNALIST PROTECTION GRANTS.**

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

23 “(C) To award and administer grants to sup-
24 port journalists writing and reporting for Broad-
25 casting Board of Governors broadcasters in accord-

1 ance with the standards and principles contained in
2 section 303, including support in defending against
3 civil and criminal prosecution in jurisdictions outside
4 the United States.”.

5 **SEC. 129. PERFORMANCE-BASED MEASUREMENT REPORT-**
6 **ING REQUIREMENTS FOR INTERNATIONAL**
7 **EXCHANGE PROGRAMS.**

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

11 “(h) REPORT ON SECONDARY SCHOOL ACADEMIC
12 YEAR EXCHANGE PROGRAMS.—Not later than 90 days
13 after the date of the enactment of the Foreign Relations
14 Authorization Act, Fiscal Years 2012 and 2013, and an-
15 nually thereafter, the President shall submit a report to
16 the Chairman of the Committee on Foreign Affairs of the
17 House of Representatives and the Chairman of the Com-
18 mittee on Foreign Relations of the Senate that describes
19 the performance of the secondary school programs for
20 international students of the Bureau, including—

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

23 “(2) the number of exchange student partici-
24 pants during the past year;

1 “(3) the total amount of Federal expenditures
2 for such exchanges;

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

4 “(5) a description of duplicative programs;

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

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

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

15 “(9) the number of incidents per sponsoring or-
16 ganization that the Office of Private Sector Ex-
17 change has been made aware of, including serious
18 problems or controversies such as the death of a stu-
19 dent, an accident, an arrest, reports of sexual har-
20 assment and abuse, placement in substandard hous-
21 ing, placements with repeat sexual or other abuse of-
22 fenders, and complaints logged against such repeat
23 offender hosts;

24 “(10) the number of complaints reported to the
25 Office of Private Sector Exchange by a student, host

1 family, natural parent, or an interested citizen re-
2 garding the performance by a sponsor of its respon-
3 sibilities in the conduct of its designated exchange
4 visitor program as set forth in the Exchange Visitor
5 Program Regulations;

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

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

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

22 “(14) an analysis of the implementation of new
23 rules, procedures, regulations, or reforms enacted by
24 the Department of State for the secondary school J-
25 visa exchange program;

1 “(15) the average academic year cost per inter-
2 national secondary school participant;

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

9 “(17) an analysis of best practices in the areas
10 of recruitment and selection of host parents, pro-
11 gram management of sponsor organizations, and
12 other related issues used to run these international
13 exchange programs.”.

14 **SEC. 130. TRANSFER OF VIETNAM EDUCATION FOUNDA-**
15 **TION TO THE DEPARTMENT OF STATE.**

16 (a) **PURPOSES.**—Section 202 of the Vietnam Edu-
17 cation Foundation Act of 2000 (22 U.S.C. 2452 note) is
18 amended by adding at the end the following:

19 “(3) To support the development of 1 or more
20 academic institutions in Vietnam by providing finan-
21 cial assistance to United States institutions of high-
22 er education and not-for-profit organizations to par-
23 ticipate in the governance, management, and aca-
24 demic activities of such academic institutions.”.

1 (b) DEFINITIONS.—Section 203 of such Act is
2 amended—

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

5 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
6 sory Committee’ means the Vietnam Education
7 Foundation Advisory Committee established under
8 section 205.”;

9 (2) by redesignating paragraph (4) as para-
10 graph (6);

11 (3) by redesignating paragraph (3) as para-
12 graph (4);

13 (4) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) FUND.—The term ‘Fund’ means the Viet-
16 nam Debt Repayment Fund established under sec-
17 tion 207;”; and

18 (5) by inserting after paragraph (4) the fol-
19 lowing:

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

22 (c) ESTABLISHMENT.—Section 204 of such Act is
23 amended—

1 (1) by inserting “, within the Bureau of Edu-
2 cational and Cultural Affairs of the Department of
3 State,” after “established”; and

4 (2) by striking “as an independent” and all
5 that follows through “Code”.

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

9 **“SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY**
10 **COMMITTEE.**

11 “(a) ESTABLISHMENT.—

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

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

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

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

23 “(C) 1 shall be appointed by the minority
24 leader of the Senate;

1 “(D) 1 shall be appointed by the Speaker
2 of the House of Representatives; and

3 “(E) 1 shall be appointed by the minority
4 leader of the House of Representatives.

5 “(3) APPOINTMENT OF INCUMBENT MEMBERS
6 OF BOARD OF DIRECTORS.—Members appointed to
7 the Advisory Committee may include individuals who
8 were members of the Board of Directors of the
9 Foundation on the date immediately preceding the
10 date on which the Advisory Committee was estab-
11 lished.

12 “(b) SUPERVISION.—The Foundation shall be subject
13 to the supervision and direction of the Secretary, working
14 through the Assistant Secretary for Educational and Cul-
15 tural Affairs, and in consultation with the Advisory Com-
16 mittee.”.

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

23 (f) VIETNAM DEBT REPAYMENT FUND.—Section
24 207 of such Act is amended—

1 (1) in subsection (a), by striking “(in this sub-
2 section referred to as the ‘Fund’)”; and

3 (2) in subsection (c)—

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

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

10 “(A) the Foundation;

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

14 “(C) not-for-profit organizations engaged
15 in the promotion of institutional innovation in
16 Vietnamese higher education.

17 “(2) DISBURSEMENT.—The Secretary of the
18 Treasury, upon the request of the Secretary, shall
19 transfer amounts made available under paragraph
20 (1) to—

21 “(A) the Foundation for the purpose of
22 carrying out this title;

23 “(B) institutions of higher education se-
24 lected by the Secretary for the purpose of estab-
25 lishing 1 or more academic institutions in Viet-

1 nam with graduate level programs in public pol-
2 icy, management, and related fields; and

3 “(C) not-for-profit organizations for the
4 purpose of establishing a new, independent Vi-
5 etnamese academic institution.”; and

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

9 (g) APPOINTMENT OF EXECUTIVE DIRECTOR.—Sec-
10 tion 208(a) of such Act is amended—

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

13 (2) by striking “There” and inserting the fol-
14 lowing:

15 “(1) IN GENERAL.—There”;

16 (3) by striking “shall be appointed by the
17 Board” and inserting “may be appointed by the Sec-
18 retary, in consultation with the Advisory Com-
19 mittee,”; and

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

22 “(2) DUTIES.—The Executive Director—

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

25 “(B) shall serve the Advisory Committee;

1 “(C) shall carry out the functions of the
2 Foundation subject to the supervision and di-
3 rection of the Secretary;

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

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

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

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

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

16 (4) in section 209—

17 (A) in subsection (a)(4), by striking “a
18 majority of the members of the Board” and in-
19 serting “the Secretary”; and

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

22 (i) MUTUAL EDUCATIONAL AND CULTURAL EX-
23 CHANGE ACT OF 1961.—Section 112(a) of the Mutual
24 Educational and Cultural Exchange Act of 1961 (22
25 U.S.C. 2460(a)) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “but not limited to”;

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

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

7 (4) by adding at the end the following:

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

10 (j) TRANSFER OF FUNCTIONS.—

11 (1) IN GENERAL.—All functions and assets of
12 the Vietnam Education Foundation, as of the day
13 before the date of the enactment of this Act, are
14 transferred to the Bureau of Educational and Cul-
15 tural Affairs of the Department of State.

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

18 (A) personnel who were employed by the
19 Vietnam Education Foundation on the day be-
20 fore the date of the enactment of this Act; and

21 (B) such other personnel as may be nec-
22 essary to support the Foundation, in accord-
23 ance with part III of title 5, United States
24 Code (5 U.S.C. 2101 et seq.).

1 (k) SUPPORT FOR INSTITUTIONAL INNOVATION IN
2 VIETNAM.—

3 (1) GRANTS AUTHORIZED.—The Secretary of
4 State, acting through the Assistant Secretary for
5 Educational and Cultural Affairs, may award 1 or
6 more grants, for the purposes set forth in paragraph
7 (2), to—

8 (A) institutions of higher education (as de-
9 fined in section 101(a) of the Higher Education
10 Act of 1965 (20 U.S.C. 1001(a)); and

11 (B) not-for-profit organizations engaged in
12 the promotion of institutional innovation in Vi-
13 etnamese higher education.

14 (2) USE OF FUNDS.—Grant funds awarded
15 under paragraph (1) shall be used to establish 1 or
16 more academic institutions in Vietnam, with grad-
17 uate level programs in public policy, management,
18 and related fields, that—

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

21 (B) feature teaching and research compo-
22 nents;

23 (C) promote the development of institu-
24 tional capacity and innovation in Vietnam;

1 (D) operate according to core principles of
2 good governance; and

3 (E) are autonomous from the Government
4 of Vietnam.

5 (3) APPLICATION.—

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

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

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

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

23 (4) SOURCE OF GRANT FUNDS.—The Secretary
24 of State may use amounts from the Vietnam Debt
25 Repayment Fund made available under section

1 207(c) of the Vietnam Education Foundation Act of
2 2000 (22 U.S.C. 2452 note) for grants authorized
3 under this subsection.

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

10 (1) EFFECTIVE DATE.—This section, and the amend-
11 ments made by this section, shall take effect on the date
12 that is 90 days after the date of the enactment of this
13 Act.

14 **Subtitle C—Consular Services and** 15 **Related Matters**

16 **SEC. 141. PROTECTIONS FOR REFUGEES.**

17 (a) ADJUSTMENTS OF STATUS OF REFUGEES.—Sec-
18 tion 209 of the Immigration and Nationality Act (8 U.S.C.
19 1159) is amended—

20 (1) in subsection (a)—

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

23 “(1) ELIGIBILITY.—Any alien who has been ad-
24 mitted to the United States under section 207 shall,
25 at the end of the 1-year period described in subpara-

1 graph (B), be eligible for adjustment of status as an
2 immigrant to the United States if—

3 “(A) the alien’s admission has not been
4 terminated by the Secretary of Homeland Secu-
5 rity or the Attorney General pursuant to such
6 regulations as the Secretary or the Attorney
7 General may prescribe;

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

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

12 (B) in paragraph (2), by striking “(2) Any
13 alien who is found upon inspection and exam-
14 ination” and inserting “(2) EFFECT OF AD-
15 JUSTMENT Any alien who is found”; and

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

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect on the date of the enact-
23 ment of this Act.

1 **SEC. 142. SIGNED PHOTOGRAPH REQUIREMENT FOR VISA**
2 **APPLICATIONS.**

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

6 **SEC. 143. ELECTRONIC TRANSMISSION OF DOMESTIC VIO-**
7 **LENCE INFORMATION TO VISA APPLICANTS.**

8 Section 833(a)(5)(A) of the Violence Against Women
9 and Department of Justice Reauthorization Act of 2005
10 (8 U.S.C. 1375a(a)(5)(A)) is amended by adding at the
11 end the following:

12 “(iv) Subject to such regulations as
13 the Secretary of State may prescribe, mail-
14 ings required under this subsection may be
15 transmitted by electronic means if an ap-
16 plicant consents to electronic service.”.

17 **SEC. 144. VIDEO CONFERENCE INTERVIEWS.**

18 (a) PILOT PROGRAM.—The Secretary of State may
19 develop and conduct a 2-year pilot program for the proc-
20 essing of tourist visas using secure remote
21 videoconferencing technology as a method for conducting
22 visa interviews of applicants. In developing the pilot pro-
23 gram, the Secretary of State shall work with other Federal
24 agencies that use such secure communications to help en-
25 sure security of the videoconferencing transmission and
26 encryption.

1 (b) REPORT.—

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

8 (2) CONTENTS.—Each report submitted under
9 this subsection shall—

10 (A) assess the efficacy and security of
11 using secure remote videoconferencing tech-
12 nology as a method for conducting visa inter-
13 views of applicants, including any effect such
14 method may have on an interviewer’s ability to
15 determine an applicant’s credibility and uncover
16 fraud; and

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

20 **SEC. 145. VISA INELIGIBILITY FOR INTERNATIONAL CHILD**
21 **ABDUCTORS.**

22 Section 212(a)(10)(C)(iii) of the Immigration and
23 Nationality Act (8 U.S.C. 1182(a)(10)(C)(iii)) is amend-
24 ed—

25 (1) in subclause (I), by adding “or” at the end;

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

3 (3) by striking subclause (III).

4 **TITLE II—ORGANIZATION AND**
5 **PERSONNEL OF THE DEPART-**
6 **MENT OF STATE**

7 **Subtitle A—Modernizing the**
8 **Department of State**

9 **SEC. 201. CONFLICT PREVENTION, MITIGATION, AND RESO-**
10 **LUTION TRAINING.**

11 (a) IN GENERAL.—Section 708 of the Foreign Serv-
12 ice Act of 1980 is amended by adding at the end the fol-
13 lowing:

14 “(d) The Secretary of State shall ensure that mem-
15 bers of the Service, before receiving assignments that re-
16 quire new and improved skills—

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

21 “(2) have opportunities during their careers to
22 obtain advanced education and training in academic
23 and other relevant institutions in the United States
24 and in other countries to increase the capacity of the
25 Service to fulfill its mission.

1 “(e) The Secretary of State shall ensure that relevant
2 officers of the Foreign Service deploying to areas under-
3 going significant conflict or considered to be at risk of sig-
4 nificant conflict receive appropriate advanced training in
5 conflict prevention, mitigation, and resolution, including
6 an understanding of—

7 “(1) peace processes, negotiations, and decision-
8 making;

9 “(2) patterns of escalation;

10 “(3) country- and region-specific issues, includ-
11 ing resource allocation, as contributing factors to
12 peace or conflict;

13 “(4) related civilian-military coordination and
14 planning; and

15 “(5) how to function successfully when—

16 “(A) public order has been undermined by
17 instability; or

18 “(B) there is no civil authority that can ef-
19 fectively provide public safety.”.

20 (b) REPORT.—Not later than 1 year after the date
21 of the enactment of this Act, the Secretary shall submit
22 a report to the appropriate congressional committees that
23 describes the efforts made by the Department of State to
24 further expand and facilitate conflict prevention, mitiga-
25 tion, and resolution training, in accordance with section

1 703(e) of the Foreign Service Act of 1980, as added by
2 subsection (a).

3 **SEC. 202. MASS ATROCITIES.**

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

6 (1) the maintenance of global peace and secu-
7 rity—

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

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

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

20 (3) the enhanced capacity to prevent and ad-
21 dress such mass atrocities is in the humanitarian
22 and strategic interests of the United States.

23 (b) EARLY WARNING ASSESSMENT.—Not later than
24 1 year after the date of the enactment of this Act, the

1 Secretary of State shall submit, to the appropriate con-
2 gressional committees, an assessment of—

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

7 (2) capabilities to provide early warnings to rel-
8 evant agencies and appropriate congressional com-
9 mittees to reduce the risk of mass atrocities against
10 civilians; and

11 (3) bilateral and multilateral tools available to
12 the United States and the international community
13 to mitigate the risk of mass atrocities against civil-
14 ians.

15 **SEC. 203. CRISIS RESPONSE.**

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

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

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

23 “(A) individuals serving in any service de-
24 scribed in section 2101 of title 5, United States

1 Code, other than in the legislative or judicial
2 branch;

3 “(B) individuals employed by personal
4 services contract, including individuals em-
5 ployed pursuant to—

6 “(i) section 2(c) of the State Depart-
7 ment Basic Authorities Act of 1956 (22
8 U.S.C. 2669(c)); or

9 “(ii) section 636(a)(3) of the Foreign
10 Assistance Act of 1961 (22 U.S.C.
11 2396(a)(3));

12 “(C) individuals appointed under section
13 303 of the Foreign Service Act of 1980 (22
14 U.S.C. 3943); and

15 “(D) locally employed staff who are em-
16 ployed by participating agencies.”; and

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

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

24 “(d) EXCEPTION TO CIVIL SERVICE PROVISIONS.—

1 “(1) IN GENERAL.—The Secretary of State
2 may—

3 “(A) select and appoint employees without
4 regard to the provisions of title 5, United
5 States Code, governing appointment in the com-
6 petitive service; and

7 “(B) may fix the basic compensation of
8 such employees without regard to chapter 51
9 and subchapter III of chapter 53 of such title
10 5.

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

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

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

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

22 **SEC. 204. EMBASSY DESIGN.**

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

25 (1) Embassies—

1 (A) are an important reflection of Amer-
2 ican values, openness, ingenuity, and innova-
3 tion;

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

7 (C) should maintain security as a top pri-
8 ority.

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

15 (3) In his seminal memo entitled “Guiding
16 Principles for Federal Architecture,” Senator Moy-
17 nihan laid out the following core principles:

18 (A) “The policy shall be to provide req-
19 uisite and adequate facilities in an architectural
20 style and form which is distinguished and which
21 will reflect the dignity, enterprise, vigor, and
22 stability of the American National Govern-
23 ment.”.

24 (B) “The development of an official style
25 must be avoided . . . The advice of distin-

1 distinguished architects, as a rule, ought to be sought
2 prior to the award of important design con-
3 tracts.”.

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

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

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

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

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

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

8 (7) In the 2007 Center for Strategic and Inter-
9 national Studies report entitled “The Embassy of
10 the Future,” the Embassy of the Future Commis-
11 sion makes the following statements:

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

17 (B) “The commission believes that it is im-
18 portant to meet security needs in ways that re-
19 flect the new diplomatic job.”.

20 (C) “[S]etbacks, barriers, and other secu-
21 rity features can be designed in ways that inte-
22 grate security with the overall building design
23 and surroundings.”.

24 (b) STATEMENT OF POLICY.—It shall be the policy
25 of the United States to adopt design excellence as a man-

1 date to advance a new generation of secure, high-perform-
2 ance, sustainable embassies and diplomatic facilities in
3 support of United States diplomacy.

4 (c) SENSE OF CONGRESS ON COLOCATION AND SE-
5 CURITY REQUIREMENTS.—It is the sense of Congress
6 that—

7 (1) the Secretary of State should consider plac-
8 ing United States Government personnel at locations
9 conducive to maximizing their use when assessing
10 the necessity and efficiency of collocating all United
11 States Government personnel at a single site;

12 (2) while cost efficiency considerations may jus-
13 tify the consolidation of multiple Federal depart-
14 ments and agencies in a single location, such a de-
15 termination should not be made without taking into
16 account other crucial policy considerations;

17 (3) the Secretary should consider alternative lo-
18 cation arrangements that do not affect the strength
19 and appropriateness of security arrangements for
20 United States Government personnel;

21 (4) security standards must remain uniformly
22 high in all locations hosting United States Govern-
23 ment personnel;

24 (5) the perimeter distance requirement set forth
25 under section 606(a)(3) of the Secure Embassy Con-

1 construction and Counterterrorism Act of 1999 (22
2 U.S.C. 4865(a)(3)) imposes a uniform security
3 standard for all diplomatic facilities regardless of
4 country context or specific security needs;

5 (6) a more thoughtful approach would tailor
6 specific security requirements, such as perimeter dis-
7 tance requirements, to particular security consider-
8 ations in a given country; and

9 (7) while Congress intends for every country
10 with diplomatic representation to have a modern, se-
11 cure, safe, and functional facility, Congress recog-
12 nizes the importance of integrating security and cost
13 with the long-term impact on the mission of the De-
14 partment of State.

15 (d) DIPLOMATIC FACILITIES TASK FORCE.—

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

19 (A) review existing regulations, standards,
20 and procedures to implement paragraphs (2)
21 and (3) of section 606(a) of the Secure Em-
22 bassy Construction and Counterterrorism Act of
23 1999 (22 U.S.C. 4865(a)); and

24 (B) make appropriate recommendations—

1 (i) to modify or revoke such regula-
2 tions, standards, and procedures; and

3 (ii) to modify the regulations, stand-
4 ards, and procedures under such Act.

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

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

12 (B) 3 shall be appointed by the Secretary,
13 in consultation with the Senate, from among
14 professionals outside the United States Govern-
15 ment with significant knowledge and experience
16 in construction and security issues; and

17 (C) 1 shall be appointed by the Adminis-
18 trator of the Agency for International Develop-
19 ment (USAID) from among senior foreign serv-
20 ice officers of USAID.

21 (3) DEADLINE FOR APPOINTMENTS.—All mem-
22 bers of the task force shall be appointed not later
23 than 60 days after the date of the enactment of this
24 Act.

1 (4) TERMINATION.—The task force shall termi-
2 nate on the date on which the Secretary submits the
3 assessment required under subsection (c) to Con-
4 gress.

5 (e) REPORTS.—

6 (1) DIPLOMATIC FACILITIES TASK FORCE REC-
7 COMMENDATIONS.—Not later than 1 year after the
8 date of the enactment of this Act, the Secretary of
9 State shall submit a report to the Committee on
10 Foreign Relations of the Senate and the Committee
11 on Foreign Affairs of the House of Representatives
12 that describes—

13 (A) the recommendations made by the dip-
14 lomatic facilities task force under subsection
15 (e)(1)(B); and

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

19 (2) GOVERNMENT ACCOUNTABILITY OFFICE RE-
20 PORT.—Not later than 120 days after the submis-
21 sion of the report under paragraph (1), the Comp-
22 troller General of the United States shall submit a
23 report to the appropriate congressional committees
24 that contains—

1 (A) a review of, and comments on, the rec-
 2 ommendations made by the diplomatic facilities
 3 task force under subsection (e)(1)(B); and

4 (B) the Comptroller General’s rec-
 5 ommendations for improving the security stand-
 6 ards at all United States diplomatic facilities.

7 **SEC. 205. CIVILIAN STABILIZATION OPERATIONS.**

8 Section 618 of the Foreign Assistance Act of 1961
 9 (22 U.S.C. 2368) is amended—

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

12 (2) by striking subsection (b).

13 **SEC. 206. MAINTENANCE COST SHARING PROGRAM.**

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

18 **Subtitle B—Foreign Services**

19 **Overseas Pay Equity**

20 **SEC. 211. SHORT TITLE.**

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

23 **SEC. 212. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

24 (a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

1 (1) IN GENERAL.—Chapter 4 of title I of the
2 Foreign Service Act of 1980 (22 U.S.C. 3961 et
3 seq.) is amended by adding at the end the following:

4 **“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

5 “(a) IN GENERAL.—A member of the Service who is
6 designated class 1 or below for purposes of section 403
7 and whose official duty station is neither in the continental
8 United States nor in a nonforeign area shall receive, in
9 accordance with the phase-in schedule set forth in sub-
10 section (c), a locality-based comparability payment (stated
11 as a percentage) equal to the locality-based comparability
12 payment (stated as a percentage) that would be provided
13 under section 5304 of title 5, United States Code, if such
14 member’s official duty station were in the District of Co-
15 lumbia.

16 “(b) TREATMENT AS BASIC PAY.—The amount of
17 any locality-based comparability payment payable to a
18 member of the Service under this section—

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

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

23 “(B) chapter 8 of this Act; and

1 “(2) shall be subject to any limitations on pay
2 applicable to locality-based comparability payments
3 under section 5304 of title 5, United States Code.

4 “(c) PHASE-IN.—The locality-based comparability
5 payment payable to a member of the Service under this
6 section—

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

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

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

23 “(d) NONFOREIGN AREA DEFINED.—In this section,
24 the term ‘nonforeign area’ means one of the areas listed

1 in section 591.205 of title 5, Code of Federal Regula-
2 tions.”.

3 (2) CONFORMING AMENDMENT.—The table of
4 contents under section 2 of the Foreign Service Act
5 of 1980 (22 U.S.C. 3901 et seq.) is amended by in-
6 serting after the item relating to section 414 the fol-
7 lowing:

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

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

10 (1) CONTRIBUTIONS TO THE FUND.—

11 (A) IN GENERAL.—Section 805(a) of the
12 Foreign Service Act of 1980 (22 U.S.C.
13 4045(a)) is amended—

14 (i) in paragraph (1)—

15 (I) by striking “7.25 percent”
16 and inserting “7 percent”; and

17 (II) by striking “The contribu-
18 tion by the employing agency” and all
19 that follows through “and shall be
20 made” and inserting “An equal
21 amount shall be contributed by the
22 employing agency”;

23 (ii) in paragraph (2)—

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

4 (II) in subparagraph (B), by
5 striking “, plus an amount equal to
6 .25 percent of basic pay”; and

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

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

14 (2) COMPUTATION OF ANNUITIES.—Section
15 806(a)(9) of the Foreign Service Act of 1980 (22
16 U.S.C. 4046(a)(9)) is amended by striking “is out-
17 side the continental United States shall” and insert-
18 ing “was outside the continental United States dur-
19 ing the period beginning on December 29, 2002, and
20 ending on the day before the first day of the first
21 pay period beginning on or after October 1, 2011,
22 shall, to the extent that such computation is based
23 on the basic salary or basic pay of such member
24 while the member was outside the United States,”.

1 (3) ENTITLEMENT TO ANNUITY.—Section
2 855(a)(3) of the Foreign Service Act of 1980 (22
3 U.S.C. 4071d(a)(3)) is amended—

4 (A) by striking “section 8414” and insert-
5 ing “section 8415”; and

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

17 (4) DEDUCTIONS AND WITHHOLDINGS FROM
18 PAY.—Section 856(a)(2) of such Act (22 U.S.C.
19 4071e(a)(2)) is amended to read as follows:

20 “(2) The applicable percentage specified in this para-
21 graph shall be as follows:

“Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.

“Percentage	Time Period
7.55	January 11, 2003, to the day before the first day of the first pay period beginning on or after October 1, 2012.
7.5	Beginning on the first day of the first pay period beginning on or after October 1, 2012.”.

1 (c) REPORTING REQUIREMENT.—Not later than Oc-
2 tober 1, 2012, the Secretary of State shall submit a report
3 to the Committee on Foreign Relations of the Senate, the
4 Committee on Homeland Security and Governmental Af-
5 fairs of the Senate, the Committee on Foreign Affairs of
6 the House of Representatives, and the Committee on
7 Oversight and Government Reform of the House of Rep-
8 resentatives that includes—

9 (1) an assessment of all allowances provided to
10 members of the Foreign Service under—

11 (A) the Foreign Service Act of 1980; or

12 (B) title 5, United States Code; and

13 (2) an explanation of how such allowances have
14 been, or will be, affected by the amendments to the
15 Foreign Service Act of 1980 made under this Act.

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

18 **SEC. 221. DEATH GRATUITY.**

19 Section 413(a) of the Foreign Service Act of 1980
20 (22 U.S.C. 3973(a)) is amended by striking “at the time

1 of death.” and inserting “at level II of the Executive
2 Schedule under section 5313 of title 5, United States
3 Code, at the time of death except that for employees com-
4 pensated under a local compensation plan established
5 under section 408, the amount of such gratuity shall be
6 equal to the greater of 1 year’s salary at the time of death
7 or 1 year’s basic salary at the highest step of the highest
8 grade on the local compensation plan from which the em-
9 ployee was being paid at the time of death.”.

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

12 (a) AMENDMENTS TO STATE DEPARTMENT BASIC
13 AUTHORITIES ACT OF 1956.—Section 61(a) of the State
14 Department Basic Authorities Act of 1956 (22 U.S.C.
15 2733(a)) is amended—

16 (1) in paragraph (1), by striking “or to posts
17 vacated” and inserting “, to positions in the Re-
18 sponse Readiness Corps, or to posts vacated”; and

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

21 (b) AMENDMENTS TO FOREIGN ASSISTANCE ACT OF
22 1961.—Section 625(j)(1) of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2385(j)(1)) is amended—

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

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

6 **SEC. 223. LOCALLY EMPLOYED STAFF.**

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

13 (1) United States embassies and consulates
14 worldwide retain over 51,000 locally employed staff
15 under local compensation plans in about 170 over-
16 seas missions. “The U.S. is falling behind in pro-
17 viding a competitive compensation package for lo-
18 cally employed staff that is commensurate with their
19 experience, technical skills, and responsibilities.”.

20 (2) The ability of United States overseas mis-
21 sions to retain locally employed staff and to recruit
22 new, qualified staff is vital to the success of those
23 missions.

24 (3) To address differences in the skill levels re-
25 quired for different categories of locally employed

1 staff positions, the Inspector General’s report rec-
2 ommended that “separate data and separate scales
3 should be established for certain types of employ-
4 ees”.

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

11 (b) REVIEW.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, and not
14 less than every 5 years thereafter, the Secretary of
15 State shall—

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

19 (B) review—

20 (i) whether the United States is fall-
21 ing behind in providing a competitive com-
22 pensation package for locally employed
23 staff that is commensurate with their expe-
24 rience, technical skills, and responsibilities;
25 and

1 (ii) the implications for providing av-
2 erage salary increases that are approxi-
3 mately 60 percent of prevailing practice;

4 (C) provide recommendations on how to re-
5 cruit new, qualified staff; and

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

9 (2) COMPENSATION DATABASE.—Not later than
10 180 days after the date of the enactment of this Act,
11 the Secretary of State shall establish a comprehen-
12 sive database for salary and compensation informa-
13 tion for such staff, as recommended by the Office of
14 Inspector General in the report referred to in sub-
15 section (a).

16 (3) PAY SCALES FOR LOCALLY EMPLOYED PRO-
17 FESSIONALS.—The review conducted under para-
18 graph (1)(A) shall include a summary of efforts to
19 address pay scales for locally employed staff to en-
20 sure adequate compensation for professional level
21 positions, such as medical officers, laboratory man-
22 agement, public health information technology posi-
23 tions, and other highly skilled positions.

24 (c) GUIDELINES.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary of State

1 shall consult with appropriate congressional committees on
2 proposed guidelines for awards, pay scales, and compensa-
3 tion of overseas, locally employed staff of the Department
4 of State, including compensation for loss of life while on
5 duty.

6 (d) **LOCALLY EMPLOYED STAFF DEFINED.**—In this
7 section, the term “locally employed staff” means employ-
8 ees compensated under local compensation plans estab-
9 lished under section 408 of the Foreign Service Act of
10 1980 (22 U.S.C. 3968).

11 **SEC. 224. FOREIGN RELATIONS EXCHANGE PROGRAMS.**

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

15 **“SEC. 63. FOREIGN RELATIONS EXCHANGE PROGRAMS.**

16 “(a) **IN GENERAL.**—The Secretary may establish ex-
17 change programs under which officers or employees of the
18 Department of State, including individuals appointed
19 under title 5, United States Code, and members of the
20 Foreign Service, may be assigned, for a period not to ex-
21 ceed 1 year, to a position with any foreign government
22 or international entity that permits an employee to be as-
23 signed to a position with the Department of State.

24 “(b) **SALARY AND BENEFITS.**—

1 “(1) FOREIGN SERVICE MEMBERS.—During a
2 period in which a member of the Foreign Service is
3 participating in an exchange program authorized
4 under subsection (a), such member shall be entitled
5 to the salary and benefits to which such member
6 would be entitled if such member were assigned to
7 an agency, international organization, or other body
8 under section 503 of the Foreign Service Act of
9 1980 (22 U.S.C. 3983).

10 “(2) DETAILEES.—An employee of the Depart-
11 ment of State (other than a member of the Foreign
12 Service participating in an exchange program au-
13 thorized under subsection (a)) shall be treated in all
14 respects as if detailed to an international organiza-
15 tion under section 3343(b) of title 5, United States
16 Code. The salary of such employee shall be the high-
17 er of the salary that the employee would receive but
18 for the assignment under this section or the salary
19 of the position to which the employee is assigned.

20 “(3) PAYMENT.—The salary and benefits of an
21 employee of a foreign government or international
22 entity participating in a program established under
23 this section shall be paid by such government or en-
24 tity during the period in which such employee is par-

1 participating in the program, and shall not be reim-
 2 bursed by the Department of State.

3 “(c) NONRECIPROCAL ASSIGNMENTS.—The Sec-
 4 retary may authorize a nonreciprocal assignment of per-
 5 sonnel pursuant to this section, with or without reimburse-
 6 ment from the foreign government or international entity
 7 for all or part of the salary and other expenses payable
 8 during the assignment, if such assignment is in the inter-
 9 ests of the United States.

10 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
 11 tion may be construed to authorize the appointment as
 12 an officer or employee of the United States of—

13 “(1) an individual whose allegiance is to any
 14 country, government, or foreign or international en-
 15 tity other than the United States; or

16 “(2) an individual who has not met the require-
 17 ments of sections 3331, 3332, 3333, and 7311 of
 18 title 5, United States Code, and any other provision
 19 of law concerning eligibility for appointment, and
 20 continuation of employment, as an officer or em-
 21 ployee of the United States.”.

22 **SEC. 225. ENHANCED PERSONNEL AUTHORITIES FOR THE**
 23 **INSPECTOR GENERAL OF THE DEPARTMENT**
 24 **OF STATE.**

25 (a) DEFINITIONS.—In this section:

1 (1) ANNUITANT.—The term “annuitant” means
2 an individual who, based on the service of such indi-
3 vidual, is entitled to benefits under a retirement sys-
4 tem for Government employees.

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

9 (3) INSPECTOR GENERAL.—The term “Inspec-
10 tor General” means the Inspector General of the De-
11 partment of State.

12 (4) OFFICE.—The term “Office” means the Of-
13 fice of Inspector General of the Department of
14 State.

15 (b) PROVISIONS RELATING TO REEMPLOYED ANNU-
16 ITANTS.—

17 (1) WAIVER AUTHORITY.—Subject to the condi-
18 tions set forth in paragraph (3), the Inspector Gen-
19 eral may waive the application of any provision of
20 law set forth in paragraph (2) on behalf of any re-
21 employed annuitant serving in a position within the
22 Office.

23 (2) PROVISIONS.—The provisions of law set
24 forth in this paragraph are—

1 (A) subsections (a) through (d) of section
2 8344 of title 5, United States Code;

3 (B) subsections (a) through (e) of section
4 8468 of title 5, United States Code;

5 (C) subsections (a) through (d) of section
6 824 of the Foreign Service Act of 1980 (22
7 U.S.C. 4064); and

8 (D) any other similar provision of law, as
9 identified by the Inspector General in regula-
10 tions.

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

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

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

15 (i) is necessary due to—

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

19 (II) a temporary emergency hir-
20 ing need; and

21 (ii) does not cause the number of em-
22 ployees within the Office who are exempted
23 from 1 or more of the provisions of law set
24 forth in paragraph (2) (whether pursuant
25 to a waiver under this subsection or other-

1 wise) to exceed, as of any given date, 25
2 percent of the total workforce of the Of-
3 fice, determined on a full-time equivalent
4 basis.

5 (4) OTHER AUTHORITIES NOT AFFECTED.—The
6 authority under this subsection is in addition to any
7 other authority available to the Inspector General to
8 engage individuals as reemployed annuitants.

9 (5) RULE OF CONSTRUCTION.—Nothing in this
10 subsection may be construed to permit or require
11 that any reemployed annuitant benefitting from a
12 waiver of a provision of law set forth in paragraph
13 (2) be treated as a Government employee for pur-
14 poses of the retirement system to which such provi-
15 sion relates.

16 (c) PROVISIONS RELATING TO CONTRACTS FOR PER-
17 SONAL SERVICES.—

18 (1) IN GENERAL.—The Inspector General may
19 contract with United States citizens for personal
20 services to facilitate and support the Office’s over-
21 sight of programs and operations. Such citizens shall
22 not, by virtue of any such contract, be considered to
23 be Government employees for purposes of any law
24 administered, in whole or in part, by the Office of
25 Personnel Management.

1 (2) RELATION TO OTHER LAWS.—Except as
2 provided in paragraph (2), this subsection shall not
3 affect any determination as to whether an individual
4 performing services pursuant to any contract under
5 this subsection is a Government employee for pur-
6 poses of any law of the United States. The Secretary
7 of State may determine the applicability, with re-
8 spect to any such individual, of any law adminis-
9 tered, in whole or in part, by the Secretary.

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

13 (A) in the judgment of the Inspector Gen-
14 eral, personnel resources of the Office would
15 otherwise be insufficient;

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

20 (C) not more than 15 percent of the work-
21 force of the Office, as of any given date, con-
22 sists of individuals serving under personal serv-
23 ices contracts (whether entered into under this
24 subsection or otherwise), determined on a full-
25 time equivalent basis.

1 (4) OTHER AUTHORITIES NOT AFFECTED.—The
2 authority under this subsection is in addition to any
3 other authority available to the Inspector General to
4 engage individuals under a personal services con-
5 tract.

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

10 **SEC. 226. AMENDMENT TO THE FOREIGN SERVICE ACT OF**
11 **1980.**

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

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

15 and

16 (2) in subsection (d)(2)—

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

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

21 (C) by striking subparagraph (F).

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

23 (a) ESTABLISHMENT.—

24 (1) IN GENERAL.—There is established, in the
25 Office of the Secretary of State, the Office for Glob-

1 al Women’s Issues (referred to in this section as the
2 “Office”).

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

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

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

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

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

17 (c) DUTIES.—

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

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

24 (i) gender integration;

1 (ii) women’s and girls’ economic, so-
2 cial, and legal development, protection, and
3 improvement in role and status in soci-
4 eties; and

5 (iii) prevention and response to vio-
6 lence against women and girls, including
7 child marriage and forced marriage;

8 (B) promote and advance the full integra-
9 tion of gender analysis into the programs,
10 structures, processes, and capacities of the De-
11 partment of State and other Federal Govern-
12 ment agencies conducting international pro-
13 grams;

14 (C) work with relevant offices of the De-
15 partment of State to promote the collection, re-
16 tention, and analysis of data on programs and
17 activities of the Department—

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

20 (ii) regarding the protection and eco-
21 nomic, social, and legal development of
22 women and girls;

23 (iii) to improve the role and status of
24 women and girls in societies; and

1 (iv) to prevent and respond to violence
2 against women and girls, including child
3 marriage and forced marriage; and

4 (D) design, support, and implement rel-
5 evant activities and programs regarding inter-
6 national girls' and women's issues, in coordina-
7 tion with relevant bureaus and offices of the
8 Department of State.

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

11 (A) advise and coordinate with relevant
12 Executive Branch agencies engaged in inter-
13 national women's policies and programs, includ-
14 ing the Department of Justice, the Department
15 of Labor, the Department of Education, the
16 Department of Health and Human Services, the
17 Department of Agriculture, the Department of
18 Defense, the Department of Commerce, the
19 United States Agency for International Devel-
20 opment, and the Millennium Challenge Corpora-
21 tion, on policies, programs, and funding of such
22 agencies relating to women's issues in their
23 international programs and policies; and

24 (B) work with the relevant Executive
25 Branch agencies described in subparagraph (A)

1 to compile and make public comprehensive in-
2 formation about international programs of the
3 United States Government relating to—

4 (i) the economic, social, and legal de-
5 velopment of women and girls;

6 (ii) the protection of women and girls;

7 (iii) the improvement of the role and
8 status of women and girls in societies;

9 (iv) the prevention of, and response
10 to, violence against women and girls, in-
11 cluding child marriage and forced mar-
12 riage; and

13 (v) the outcomes and effectiveness of
14 such programs.

15 (3) DIPLOMATIC REPRESENTATION.—Subject to
16 the direction of the President and the Secretary of
17 State, the Ambassador is authorized to represent the
18 United States in matters relevant to the status of
19 women internationally.

20 (d) INTERAGENCY COOPERATION.—

21 (1) AUTHORIZATION.—The Ambassador is au-
22 thorized—

23 (A) to provide advice and guidance, as ap-
24 propriate, to the Federal Government agencies
25 described in subsection (c)(2)(A); and

1 (B) on behalf of the Secretary of State, to
2 convene periodic meetings with other Federal
3 Government agencies to enhance and ensure ef-
4 fective coordination of policies, programs, and
5 resources regarding critical issues related to
6 international women's status and development.

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

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

21 (f) STATEMENT OF POLICY.—The United States
22 Government remains committed to programs that seek to
23 eliminate sex-selective abortion, coercive abortion, and in-
24 voluntary sterilization.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary for each of the fiscal years 2012 through 2016
4 to carry out the activities authorized under this section.

5 **SEC. 228. UNITED STATES AGENCY FOR INTERNATIONAL**
6 **DEVELOPMENT WOMEN'S DEVELOPMENT AD-**
7 **VISOR.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established, within
10 the Office of the Administrator of the United States
11 Agency for International Development (referred to
12 in this section as “USAID”), the Senior Coordinator
13 for Gender Equality and Women’s Empowerment
14 (referred to in this section as the “Coordinator”).
15 The USAID Administrator may assign appropriate
16 staff with relevant technical and operational exper-
17 tise to the Coordinator as may be needed to assist
18 the Coordinator in carrying out the purposes of this
19 section.

20 (2) SUPPORT STAFF.—The Office of Gender
21 Equality and Women’s Empowerment shall report
22 programmatically to the Coordinator. A Senior Gen-
23 der Advisor shall be appointed within the Policy,
24 Planning, and Learning Bureau to help provide in-
25 ternal policy guidance and oversight ensuring gender

1 integration throughout the USAID. The USAID Ad-
2 ministrator may assign additional staff with tech-
3 nical and operational expertise to assist the Senior
4 Gender Advisor in carrying out the purposes of this
5 section.

6 (b) DUTIES.—

7 (1) IN GENERAL.—The Coordinator is author-
8 ized—

9 (A) to participate in high level strategic
10 policy, planning, operations, and evaluations
11 throughout all regional and functional dis-
12 ciplines of USAID;

13 (B) to coordinate and advise USAID ef-
14 forts to integrate gender in foreign assistance
15 design, strategy, and programs;

16 (C) to help shape efforts to promote gen-
17 der equality and women’s empowerment, includ-
18 ing—

19 (i) programs promoting gender inte-
20 gration;

21 (ii) women’s and girls’ economic, so-
22 cial, and legal advancement and protection;
23 and

24 (iii) efforts to combat sexual and gen-
25 der-based violence; and

1 (D) to collect and make publicly available
2 data and analysis on gender integration activi-
3 ties, women’s development, and strategies for
4 gender-based violence prevention and response,
5 in accordance with agency-wide mechanisms for
6 data collection, monitoring, and evaluation.

7 (2) DIPLOMATIC REPRESENTATION.—Subject to
8 the direction of the President and the USAID Ad-
9 ministrator, the Coordinator is authorized to rep-
10 resent the United States in matters relevant to the
11 status of women internationally.

12 (c) CONGRESSIONAL BRIEFINGS.—Not later than 6
13 months after the date of the enactment of this Act, and
14 annually thereafter, the USAID Administrator or the Co-
15 ordinator shall provide information to Congress that de-
16 scribes the status of efforts to integrate attention to gen-
17 der, women’s development, and gender-based violence pre-
18 vention and response into USAID strategies, program-
19 ming, and associated outcomes.

20 **SEC. 229. HOME LEAVE.**

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

24 “(2) authorized or required home leave, includ-
25 ing optional home leave travel, in an amount that

1 does not exceed the cost, per person, of the member
2 of the Service, by—

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

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

8 (b) HOME LEAVE TECHNICAL AMENDMENT.—Sec-
9 tion 903(a) of the Foreign Service Act of 1980 (22 U.S.C.
10 4083(a)) is amended by striking “18 months of contin-
11 uous service abroad” and inserting “12 months of contin-
12 uous service abroad (or after a shorter period of such serv-
13 ice if the member’s assignment is terminated for the con-
14 venience of the Service)”.

15 **SEC. 230. TRAINING SUPPORT SERVICES.**

16 Section 704(a)(4)(B) of the Foreign Service Act of
17 1980 (22 U.S.C. 4024(a)(4)(B)) is amended—

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

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

1 **SEC. 231. EXTENSION OF PASSPORT SURCHARGE.**

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

4 (1) by striking paragraph (2); and

5 (2) by redesignating paragraph (3) as para-
6 graph (2).

7 **SEC. 232. BORDER CROSSING CARD FEE FOR MINORS.**

8 Section 410(a)(1)(A) of the Department of State and
9 Related Agencies Appropriations Act, 1999 (title IV of di-
10 vision A of Public Law 105–277) is amended by striking
11 “a fee of \$13” and inserting “a fee equal to ½ of the
12 fee that would otherwise apply for processing a machine
13 readable combined border crossing identification card and
14 nonimmigrant visa”.

15 **TITLE III—INTERNATIONAL**
16 **ORGANIZATIONS**

17 **SEC. 301. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
18 **ORGANIZATIONS.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the Secretary should—

21 (1) ensure that the Department of State is able
22 to appropriately staff United States missions both
23 within the United States and abroad that are dedi-
24 cated to representing the United States to inter-
25 national organizations and multilateral institutions,

1 including missions in New York, Brussels, Geneva,
2 Rome, Montreal, Nairobi, Vienna, and Paris;

3 (2) train persons with the specialized skills that
4 are necessary to become experts in multilateral di-
5 plomacy in order to fill the many positions in the
6 United States and abroad that are dedicated to this
7 specialty; and

8 (3) consider as a factor for promotions whether
9 a member of the Foreign Service has served in a po-
10 sition whose primary responsibility is to formulate
11 policy toward, or represent the United States at, an
12 international organization, a multilateral institution,
13 or a broad-based multilateral negotiation of an inter-
14 national instrument.

15 **SEC. 302. SYNCHRONIZATION OF UNITED STATES CON-**
16 **TRIBUTIONS TO INTERNATIONAL ORGANIZA-**
17 **TIONS.**

18 In accordance with section 404 of the Foreign Rela-
19 tions Authorization Act of 2003 (Public Law 107-228;
20 116 Stat. 1389), there are authorized to be appropriated
21 such sums as may be necessary for the synchronization
22 of United States contributions to international organiza-
23 tions.

1 **SEC. 303. PEACEKEEPING CONTRIBUTIONS.**

2 Section 404(b)(2)(B) of the Foreign Relations Au-
3 thorization Act, Fiscal Years 1994 and 1995 (Public Law
4 103–236; 22 U.S.C. 287e note), is amended by adding at
5 the end the following:

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

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

11 (a) **IN GENERAL.**—Notwithstanding section 2503 of
12 the Foreign Affairs Reform and Restructuring Act of
13 1998 (division G of Public Law 105–277; 22 U.S.C. 276
14 note), the Secretary of State is authorized—

15 (1) to facilitate the readmission and participa-
16 tion of the United States in the Inter-Parliamentary
17 Union; and

18 (2) to pay expenses to meet the annual obliga-
19 tions of membership in the Inter-Parliamentary
20 Union, in accordance with the assessments deter-
21 mined by the Governing Council.

22 (b) **REPRESENTATION.**—Notwithstanding section
23 2503 of the Foreign Affairs Reform and Restructuring
24 Act of 1998 (division G of Public Law 105–277; 22 U.S.C.
25 276 note), the majority leader of the Senate, in consulta-
26 tion with the minority leader of the Senate, and the Speak-

1 er of the House of Representatives, in consultation with
 2 the minority leader of the House of Representatives, are
 3 authorized to designate Members of Congress to serve as
 4 delegates to the Assembly of the Inter-Parliamentary
 5 Union.

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

9 Section 9 of the United Nations Participation Act of
 10 1945 (22 U.S.C. 287e–1) is amended to read as follows:

11 “SEC. 9. (a) The Secretary of State, under such regu-
 12 lations as the Secretary shall prescribe, and notwith-
 13 standing subsections (a) and (b) of section 3324 of title
 14 31, United States Code, and section 5536 of title 5,
 15 United States Code, may—

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

20 “(A) living quarters leased or rented by
 21 the United States for a period not longer than
 22 10 years; and

23 “(B) allowances for unusual expenses inci-
 24 dent to the operation and maintenance of such
 25 living quarters that are similar to expenses au-

1 thorized under section 5913 of title 5, United
2 States Code;

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

5 “(A) a period not longer than 10 years to
6 other United States representatives to the
7 United Nations and to not more than 2 employ-
8 ees who serve at the pleasure of the Permanent
9 Representative of the United States to the
10 United Nations; and

11 “(B) a period not longer than 5 years to
12 not more than 35 members of the Foreign Serv-
13 ice assigned to the United States Mission to the
14 United Nations; and

15 “(3) provide an allowance, as the Secretary con-
16 siders appropriate, to each Delegate and Alternate
17 Delegate of the United States to any session of the
18 General Assembly of the United Nations who is not
19 a permanent member of the staff of the United
20 States Mission to the United Nations, in order to
21 compensate each such Delegate or Alternate Dele-
22 gate for necessary housing and subsistence expenses
23 with respect to attending any such session.

24 “(b) The Secretary of State may not make available
25 living quarters or allowances under subsection (a) to an

1 employee who is occupying living quarters that are owned
2 by such employee.

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

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

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

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

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

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

17 **SEC. 306. RECRUITMENT AND RETENTION OF UNITED**
18 **STATES CITIZENS IN INTERNATIONAL ORGA-**
19 **NIZATIONS.**

20 (a) IN GENERAL.—The Secretary shall continue ef-
21 forts to increase the number of qualified United States
22 citizens employed by the United Nations and by other
23 international organizations.

1 (b) DUTIES OF THE SECRETARY.—Not later than 90
2 days after the date of the enactment of this Act, the Sec-
3 retary—

4 (1) shall develop, recruit, and maintain a roster
5 of qualified United States candidates for profes-
6 sional positions and senior positions at the United
7 Nations and other international organizations, in-
8 cluding those related to United Nations peace-
9 keeping operations;

10 (2) shall designate an employee of the Depart-
11 ment of State—

12 (A) to closely monitor job openings at the
13 United Nations and other international organi-
14 zations; and

15 (B) to connect those job openings with
16 United States citizens listed on the roster de-
17 scribed in paragraph (1) or through other
18 mechanisms;

19 (3) should establish a program that sponsors
20 Junior Professional Officers and Associate Expert
21 positions, similar to the support provided to such po-
22 sitions by Austria, Canada, Switzerland, and the
23 United Kingdom; and

24 (4) shall update, as appropriate, reports to the
25 appropriate congressional committees that describe

1 the measures being taken by the Department of
2 State to facilitate the recruitment of qualified
3 United States citizens for employment at the United
4 Nations and other international organizations.

5 (c) DUTIES OF THE SECRETARY OF THE TREAS-
6 URY.—Not later than 90 days after the date of the enact-
7 ment of this Act, the Secretary of the Treasury, in con-
8 sultation with the Secretary of State, shall—

9 (1) develop, recruit, and maintain a roster of
10 qualified United States candidates for professional
11 positions and senior positions at international finan-
12 cial institutions (referred to in this subsection as
13 “IFIs”), including the World Bank, the Inter-
14 national Monetary Fund, and other regional develop-
15 ment banks;

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

18 (A) to closely monitor job openings at
19 IFIs;

20 (B) to provide public notice of these open-
21 ings, to the extent possible; and

22 (C) to connect such job openings with
23 United States citizens who are listed on the ros-
24 ter described in paragraph (1) or who are oth-
25 erwise eligible;

1 (3) update, as appropriate, reports to the ap-
2 propriate congressional committees that describe the
3 measures being taken by the Department of the
4 Treasury and the Department of State to facilitate
5 the recruitment of qualified United States citizens
6 for employment at IFIs; and

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

10 **SEC. 307. UNITED STATES MEMBERSHIP IN THE INTER-**
11 **NATIONAL RENEWABLE ENERGY AGENCY.**

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

13 (1) to accept the terms and conditions of the
14 Statute of the International Renewable Energy
15 Agency (referred to in this section as the “Agency”);
16 and

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

19 (b) **PAYMENTS OF ASSESSED CONTRIBUTIONS.**—For
20 fiscal year 2012 and each fiscal year thereafter, United
21 States assessed contributions to the Agency may be paid
22 from amounts appropriated under the heading “Contribu-
23 tions to International Organizations”.

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

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

5 (a) FOREIGN ASSISTANCE ACT OF 1961.—Section
6 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2370(q)) is amended—

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

10 (2) by striking “such country” each place it ap-
11 pears and inserting “such government”; and

12 (3) by striking “six calendar months” and in-
13 serting “1 year”.

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

17 (1) by redesignating section 47 as section 48;
18 and

19 (2) by inserting after section 46 the following:

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

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

1 made to the government of such country under this Act,
2 unless—

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

5 “(2) the President—

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

9 “(B) notifies the Speaker of the House of
10 Representatives and the Committee on Foreign
11 Relations of the Senate of such determina-
12 tion.”.

13 **SEC. 402. INCREASED AUTHORITY TO PROVIDE ASSIST-**
14 **ANCE FOR LAW ENFORCEMENT FORCES.**

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

17 (1) in subsection (b)—

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

20 (B) in paragraph (6), by striking “, and
21 the provision of professional” and all that fol-
22 lows through the semicolon at the end and in-
23 serting “, including any regional, district, mu-
24 nicipal, or other subnational entity emerging
25 from instability;”;

1 (C) in paragraph (7), by striking the pe-
2 riod at the end and inserting a semicolon; and

3 (D) by adding at the end the following:

4 “(8) with respect to the provision of profes-
5 sional training, including training in internationally
6 recognized standards of human rights and the rule
7 of law;

8 “(9) with respect to assistance to foster civilian
9 police roles that support democratic governance and
10 foster improved police-community relations;

11 “(10) with respect to assistance to combat traf-
12 ficking in persons, address sexual and gender-based
13 violence, reduce corruption, prevent conflict, and re-
14 spond to disasters;

15 “(11) with respect to assistance to address in-
16 humane conditions in prisons and other detention fa-
17 cilities administered by foreign governments that are
18 making efforts to address the health, sanitation, nu-
19 trition, and other basic needs of prisoners;

20 “(12) with respect to assistance provided for
21 prisoners for humanitarian or development purposes;

22 or

23 “(13) with respect to assistance to support hu-
24 manitarian operations and activities.”; and

1 (2) by amending subsection (d) to read as fol-
2 lows:

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

10 (b) ADMINISTRATION OF JUSTICE.—Section 534 of
11 the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is
12 amended—

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

15 (2) in subsection (b)(3)—

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

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

20 (C) by adding at the end the following:

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

23 (3) by striking subsection (c);

24 (4) in subsection (e), by striking the second and
25 third sentences; and

1 (5) by redesignating subsections (d) and (e) as
2 subsections (c) and (d), respectively.

3 **SEC. 403. BUILDING PUBLIC AWARENESS AND DIALOGUE.**

4 Section 122 of the Foreign Assistance Act of 1961
5 (22 U.S.C. 2151t) is amended by inserting at the end the
6 following:

7 “(f)(1) The Administrator of the United States Agen-
8 cy for International Development is authorized—

9 “(A) to encourage the people of the United
10 States to further dialogue and understanding of de-
11 velopment, humanitarian assistance, and foreign as-
12 sistance programs; and

13 “(B) to facilitate widespread public discussion,
14 analysis, and review of the issues addressed in the
15 final report of the Helping to Enhance the Liveli-
16 hood of People Around the Globe Commission
17 (HELP Commission), issued in December 2007,
18 with special regard to the HELP Commission’s call
19 to encourage Executive agencies to more fully ex-
20 plain United States development activities to the
21 American people in order to raise the American peo-
22 ple’s understanding about and support for foreign
23 assistance.

24 “(2) In addition to funds otherwise available for such
25 purposes, not more than \$1,000,000 of the amounts made

1 available each fiscal year for the purposes of this chapter
2 may be used to ensure effective engagement with the
3 American people in understanding and promoting public
4 understanding of development, humanitarian assistance,
5 and foreign assistance programs.”.

6 **SEC. 404. EXCEPTION TO CERTAIN MULTIPLE AWARD CON-**
7 **TRACT REQUIREMENTS.**

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

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

13 “In entering into any multiple award task order or
14 indefinite delivery or indefinite quality contract, the Ad-
15 ministrator of the United States Agency for International
16 Development may provide an exception to the fair oppor-
17 tunity process for placing task orders under such contracts
18 when the order is placed with any category of small or
19 small disadvantaged business.”.

20 **SEC. 405. MILLENNIUM CHALLENGE ASSISTANCE.**

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

24 “(j) **EXTENSION OF COMPACT.**—

1 “(1) IN GENERAL.—Except as provided under
2 paragraph (2), the duration of a Compact shall not
3 exceed 5 years.

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

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

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

12 (b) CONCURRENT AND SUBSEQUENT COMPACTS.—
13 Section 609(k) of such Act (22 U.S.C. 7708(k)) is amend-
14 ed to read as follows:

15 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 and in accordance with the requirements of this
18 title, an eligible country and the United States—

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

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

23 “(2) REQUIREMENTS.—An eligible country and
24 the United States may enter into concurrent Com-
25 pacts if the Board determines that such country—

1 “(A) is making significant, consistent
2 progress in implementing the terms of any ex-
3 isting Compacts; and

4 “(B) will contribute—

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

9 “(ii) in the case of a candidate coun-
10 try (as defined in section 606(b)), not less
11 than 15 percent of the total amount agreed
12 upon for a subsequent Compact.

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

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

19 “(5) LIMITATION ON COMPACTS.—The Corpora-
20 tion shall provide not more than 15 years of Com-
21 pact funding to any country.”.

22 “(c) APPLICABILITY.—The amendments made by sub-
23 sections (a) and (b) shall apply with respect to Compacts
24 entered into between the United States and an eligible
25 country under the Millennium Challenge Act of 2003 (22

1 U.S.C. 7701 et seq.) before, on, or after the date of the
2 enactment of this Act.

3 (d) STATUS OF COUNTRIES AS CANDIDATE COUN-
4 TRIES UNDER THE MILLENNIUM CHALLENGE ACT OF
5 2003.—Section 606 of the Millennium Challenge Act of
6 2003 (22 U.S.C. 7705) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by amending the paragraph head-
10 ing to read as follows:

11 “(1) IN GENERAL.—”;

12 (ii) in the matter preceding subpara-
13 graph (A), by striking “fiscal year 2004”
14 and inserting “a fiscal year”;

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

17 “(A) the country—

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

22 “(ii) is among the 75 lowest per cap-
23 ita income countries, as identified by the
24 World Bank; and”;

- 1 (iv) in subparagraph (B), by striking
2 “subject to paragraph (3)” and inserting
3 “subject to paragraph (2)”;
4 (B) by striking paragraph (2); and
5 (C) by redesignating paragraph (3) as
6 paragraph (2);
7 (2) in subsection (b)—
8 (A) in paragraph (1)—
9 (i) in the matter preceding subpara-
10 graph (A), by striking “for fiscal year
11 2006 or a subsequent fiscal year” and in-
12 serting “for any fiscal year”; and
13 (ii) by striking subparagraphs (A) and
14 (B) and inserting the following:
15 “(A) has a per capita income that is not
16 greater than the World Bank’s lower middle in-
17 come country threshold for such fiscal year;
18 “(B) is not among the 75 lowest per capita
19 income countries as identified by the World
20 Bank; and
21 “(C) meets the requirements under sub-
22 section (a)(1)(B).”; and
23 (B) in paragraph (2)—

1 (i) by striking “for fiscal year 2006 or
2 any subsequent fiscal year” and inserting
3 “for any fiscal year”; and

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

8 (3) by redesignating subsection (c) as sub-
9 section (d); and

10 (4) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) MAINTAINING CANDIDATE STATUS.—Beginning
13 in fiscal year 2012, a country the per capita income of
14 which changes during a fiscal year so that the country
15 no longer meets the requirements for being a candidate
16 country under subsection (a)(1) or (b)(1) shall, notwith-
17 standing that change in per capita income, continue to be
18 eligible to be a candidate country under subsection (a)(1)
19 or (b)(1) (as the case may be) during that fiscal year and
20 the 3 fiscal years thereafter to the same extent and in
21 the same manner as if the per capita income of the coun-
22 try had not changed.”.

1 **SEC. 406. ENHANCING THE CAPACITY OF THE OFFICE OF**
2 **THE INSPECTOR GENERAL FOR THE UNITED**
3 **STATES AGENCY FOR INTERNATIONAL DE-**
4 **VELOPMENT.**

5 (a) PROVISIONS RELATING TO REEMPLOYED ANNU-
6 ITANTS.—

7 (1) WAIVER AUTHORITY.—To facilitate the as-
8 signment of persons to positions in Iraq, Pakistan,
9 and Afghanistan, or to positions vacated by mem-
10 bers of the Foreign Service assigned to Iraq, Paki-
11 stan, and Afghanistan, the Inspector General of the
12 United States Agency for International Development
13 (referred to in this section as the “Inspector Gen-
14 eral”) may, subject to paragraph (3), waive the ap-
15 plication of the provisions of law set forth in para-
16 graph (2) on behalf of any reemployed annuitant
17 serving in a position within the Office of Inspector
18 General.

19 (2) PROVISIONS.—The provisions of law set
20 forth in this paragraph are—

21 (A) subsections (a) through (d) of section
22 8344 of title 5, United States Code;

23 (B) subsections (a) through (e) of section
24 8468 of such title; and

1 (C) subsections (a) through (d) of section
2 824 of the Foreign Service Act of 1980 (22
3 U.S.C. 4064).

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

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

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

9 (i) difficulty in the recruitment or re-
10 tention of a qualified employee for the po-
11 sition involved; or

12 (ii) a temporary emergency hiring
13 need.

14 (4) SUNSET.—

15 (A) IN GENERAL.—This subsection is re-
16 pealed on October 1, 2014.

17 (B) EFFECT OF REPEAL.—An annuitant
18 reemployed before October 1, 2014, pursuant to
19 the waiver under paragraph (1), may continue
20 such employment until not later than Sep-
21 tember 30, 2015.

22 (b) PROVISIONS RELATING TO CONTRACTS FOR PER-
23 SONAL SERVICES.—

24 (1) IN GENERAL.—The Inspector General may
25 contract with United States citizens for personal

1 services to facilitate and support the Office's over-
2 sight of programs and operations. Such citizens shall
3 not, by virtue of any such contract, be considered to
4 be employees of the Federal Government for pur-
5 poses of any law administered, in whole or in part,
6 by the Office of Personnel Management.

7 (2) RELATION TO OTHER LAWS.—Nothing in
8 this subsection may be construed to affect any deter-
9 mination as to whether an individual performing
10 services pursuant to any contract under this sub-
11 section is a Government employee for purposes of
12 any law of the United States. The Administrator of
13 the United States Agency for International Develop-
14 ment may determine the applicability, with respect
15 to any such individual, of any law administered, in
16 whole or in part, by the Administrator.

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

20 (A) the Inspector General determines that
21 the personnel resources of the Office would oth-
22 erwise be insufficient;

23 (B) the contract is for a term of 2 years
24 or less, unless the Inspector General determines

1 that exceptional circumstances justify an exten-
2 sion of up to 1 additional year; and

3 (C) not more than 5 percent of the per-
4 sonnel of the Office (determined on a full time
5 equivalent basis), as of any given date, consists
6 of individuals serving under personal services
7 contracts.

8 (4) OTHER AUTHORITIES NOT AFFECTED.—The
9 authority under this subsection is in addition to any
10 other authority available to the Inspector General to
11 enter into personal services contracts with individ-
12 uals.

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

18 (d) REPORT.—In the Office of the Inspector Gen-
19 eral's semiannual report to Congress, the Inspector Gen-
20 eral shall include information on the usage and rationale
21 related to annuitants hired under this section.

1 **SEC. 407. PROHIBITIONS ON FOREIGN ASSISTANCE FOR**
2 **THE PRODUCTION OF CERTAIN AGRICUL-**
3 **TURAL COMMODITIES.**

4 Section 620 of the Foreign Assistance Act of 1961
5 (22 U.S.C. 2370) is amended by inserting after subsection
6 (l) the following new subsection:

7 “(m) PROHIBITIONS ON ASSISTANCE FOR THE PRO-
8 Duction OF AGRICULTURAL COMMODITIES AVAILABLE
9 IN SURPLUS QUANTITIES.—(1) No assistance shall be fur-
10 nished under chapter 1 of part I of this Act to a country
11 to build or expand the capacity of producers in the country
12 to produce an agricultural commodity if the President de-
13 termines that—

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

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

24 “(2) Paragraph (1) shall not apply with respect to
25 assistance to a country that—

1 “(A)(i) is eligible for assistance from the Inter-
2 national Development Association;

3 “(ii) is not eligible for assistance from the
4 International Bank for Reconstruction and Develop-
5 ment; and

6 “(iii) does not export on a consistent basis the
7 agricultural commodity with respect to which assist-
8 ance is furnished; or

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

12 “(n) RESTRICTION ON ASSISTANCE FOR THE PRO-
13 DUCTION AND EXPORTATION OF CERTAIN AGRICULTURAL
14 COMMODITIES.—(1) No assistance shall be furnished
15 under chapter 1 of part I of this Act to a country to carry
16 out any testing, breeding feasibility studies, variety im-
17 provement efforts, introduction efforts, consulting, publi-
18 cations, conferences, or training with respect to the pro-
19 duction of an agricultural commodity in that country if
20 the President determines that—

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

23 “(B) the exportation of the agricultural com-
24 modity from that country will result in increased
25 competition for that agricultural commodity, or a

1 similar or competing agricultural commodity, pro-
2 duced in the United States.

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

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

12 “(B) to a country that—

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

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

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

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

24 **SEC. 408. SENSE OF CONGRESS REGARDING CENTRAL ASIA.**

25 It is the Sense of Congress that—

1 (1) the countries of Central Asia, which include
2 Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan,
3 and Uzbekistan—

4 (A) provide vital support to coalition ef-
5 forts in Afghanistan;

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

8 (C) have the potential to link global mar-
9 kets;

10 (2) because of Central Asia’s strategic impor-
11 tance, the United States should invest resources in
12 the region to improve relations and promote shared
13 objectives;

14 (3) it is critical for the United States to con-
15 tinue to engage with the countries of Central Asia
16 to further democracy, human rights, and economic
17 prosperity, including engaging in regional economic
18 integration efforts with Afghanistan and South Asia;

19 (4) the United States should engage proactively
20 in efforts to promote and facilitate the development
21 of road transportation linkages across Central Asia
22 and Afghanistan, which are key to stimulating eco-
23 nomic opportunity and trade in the region; and

24 (5) upon determination by the President that
25 Kazakhstan and Tajikistan are complying with ap-

1 plicable freedom of emigration requirements, Con-
2 gress should take steps to terminate the applicability
3 of title IV of the Trade Act of 1974 (19 U.S.C.
4 2431 et seq.), also known as the “Jackson-Vanik
5 amendment”, for such countries because of—

6 (A) their compliance with the law’s provi-
7 sions; and

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

10 **SEC. 409. GLOBAL HEALTH INITIATIVE.**

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

13 (1) the Global Health Initiative presents an op-
14 portunity to build upon ongoing successes and to
15 promote further advances in global health, in accord-
16 ance with the Tom Lantos and Henry J. Hyde
17 United States Global Leadership Against HIV/
18 AIDS, Tuberculosis, and Malaria Reauthorization
19 Act of 2008 (Public Law 110–293); and

20 (2) in order to promote effective coordination
21 and management in the field of global health, a full-
22 time country level coordinator with management ex-
23 perience should head the interagency country team
24 for United States missions in each Global Health
25 Initiative Plus country.

1 (b) REPORT.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, the Sec-
4 retary shall submit a report to the appropriate con-
5 gressional committees that assesses the state of im-
6 plementation and early impact of the Global Health
7 Initiative (referred to in this subsection as the
8 “GHI”) on how the United States approaches global
9 health.

10 (2) FINDING.—The original 8 GHI Plus coun-
11 tries (Bangladesh, Ethiopia, Guatemala, Kenya, Ma-
12 lawi, Mali, Nepal, and Rwanda) have been des-
13 igned as “learning laboratories” for accelerating
14 the objectives of the GHI—

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

17 (B) to achieve efficiencies;

18 (C) to improve cost effectiveness; and

19 (D) to enhance the sustainability of United
20 States support through greater country owner-
21 ship.

22 (3) CONTENTS.—The report submitted under
23 this subsection shall include—

24 (A) an overview of the initial implementa-
25 tion phases of the GHI as a cross-cutting effort

1 to achieve the objectives described in paragraph
2 (2);

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

6 (i) a preliminary assessment of the
7 added value of the measures taken as a re-
8 sult of implementation of the GHI with
9 qualitative and quantitative examples of ef-
10 ficiencies and integration;

11 (ii) a description of the outputs
12 achieved;

13 (iii) a description of the intended out-
14 comes of interventions and changes in ap-
15 proach stemming from the GHI on disease
16 burden, health systems, and other indica-
17 tors;

18 (iv) a description of changes in the
19 dialogue between the United States Gov-
20 ernment, the government of the country,
21 and the relationship with public and pri-
22 vate partners; and

23 (v) an assessment of the sustainability
24 of United States global health assistance

1 and the means by which sustainability or
2 country ownership will be measured; and

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

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

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

14 **SEC. 410. DISCRIMINATION RELATED TO SEXUAL ORIENTA-**
15 **TION.**

16 (a) TRACKING VIOLENCE OR CRIMINALIZATION RE-
17 LATED TO SEXUAL ORIENTATION.—The Assistant Sec-
18 retary for Democracy, Human Rights and Labor should
19 designate a Bureau-based officer or officers who shall be
20 responsible for tracking violence, criminalization, and re-
21 strictions on the enjoyment of fundamental freedoms, con-
22 sistent with United States law, in foreign countries based
23 on actual or perceived sexual orientation and gender iden-
24 tity.

1 (b) INTERNATIONAL EFFORTS TO REVISE LAWS
2 CRIMINALIZING HOMOSEXUALITY.—The Secretary of
3 State shall work through appropriate United States Gov-
4 ernment employees at United States diplomatic and con-
5 sular missions to encourage the governments of other
6 countries to reform or repeal laws of such countries crim-
7 inalizing homosexuality or consensual homosexual con-
8 duct, or restricting the enjoyment of fundamental free-
9 doms, consistent with United States law, by homosexual
10 individuals or organizations.

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

14 (1) in section 116(d)—

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

17 (B) in paragraph (11), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(12) wherever applicable, violence or discrimi-
21 nation that affects the fundamental freedoms, con-
22 sistent with United States law, of an individual in
23 foreign countries that is based on actual or perceived
24 sexual orientation and gender identity.”; and

1 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
2 inserting after the eighth sentence the following new
3 sentence: “Wherever applicable, violence or discrimi-
4 nation that affects the fundamental freedoms, con-
5 sistent with United States law, of an individual in
6 foreign countries that is based on actual or perceived
7 sexual orientation and gender identity.”.

8 (d) TRAINING FOR FOREIGN SERVICE OFFICERS.—
9 Section 708(a) of the Foreign Service Act of 1980 (22
10 U.S.C. 4028(a)) is amended—

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

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

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

19 (4) by adding at the end the following:

20 “(4) instruction, in courses covering human
21 rights reporting and advocacy work, on identifying
22 violence or discrimination that affects the funda-
23 mental freedoms, consistent with United States law,
24 of an individual that is based on actual or perceived
25 sexual orientation and gender identity.”.

1 **SEC. 411. OVERSEAS PRIVATE INVESTMENT CORPORATION.**

2 Section 235 of the Foreign Assistance Act of 1961(a)
3 (22 U.S.C. 2195(a)) is amended—

4 (1) in paragraph (1)—

5 (A) by striking “(A)”; and

6 (B) by striking “sections 234(b) and (c)”
7 and inserting “subsections (b) and (c) of sec-
8 tion 234”;

9 (2) by striking paragraph (2); and

10 (3) by striking “(B)” and inserting the fol-
11 lowing:

12 “(2) AUTHORIZED TRANSFERS.—”.

13 **SEC. 412. GLOBAL INTERNET FREEDOM.**

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

16 (1) to promote and protect the exercise of fun-
17 damental freedoms over the Internet, mobile net-
18 works, and other connection technologies;

19 (2) to use appropriate instruments of United
20 States influence, including diplomacy, technology,
21 and trade and economic policy, to support and pro-
22 mote the free flow of electronic information;

23 (3) to work with international and multilateral
24 partners to promote the exercise of fundamental
25 freedoms over the Internet, mobile networks, and
26 other connection technologies; and

1 (4) to integrate the promotion of Internet free-
2 dom into broader country, regional, and economic
3 policies of the Department of State.

4 (b) FUNCTIONS.—The Secretary of State, through
5 the Bureau of Democracy, Human Rights, and Labor, the
6 Bureau of Economic Affairs, and the regional geographic
7 bureaus, and in consultation with the United States Agen-
8 cy for International Development and the Broadcasting
9 Board of Governors, as appropriate, shall, on a global
10 level—

11 (1) closely monitor threats or limitations to
12 users' exercise of fundamental rights over connection
13 technologies, especially the Internet and mobile de-
14 vices, and include information about these threats or
15 limitations in the annual Country Reports on
16 Human Rights Practices;

17 (2) create and implement guidelines for the bu-
18 reaus and embassies of the Department of State to
19 respond to governmental actions to harass, limit,
20 censor, or otherwise restrict the exercise of funda-
21 mental freedoms through information and commu-
22 nications technology;

23 (3) respond diplomatically to situations in
24 which the Internet and other forms of connective
25 technology are intentionally limited, censored, re-

1 stricted, monitored, distorted, or otherwise denied to
2 users; and

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

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

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

19 (c) PRIMARY RESPONSIBILITIES.—The Bureau of
20 Democracy, Human Rights and Labor, in consultation
21 with all other relevant bureaus, shall take the lead in—

22 (1) empowering users to develop innovative
23 tools—

24 (A) to ameliorate their restrictive environ-
25 ments; and

1 (B) to maximize their digital safety and se-
2 curity;

3 (2) providing training, education, and net-
4 working to users seeking greater freedom to safely
5 access information online and through other forms
6 of connective technology;

7 (3) providing technical assistance to reform reg-
8 ulatory and policy restrictions on the free flow of in-
9 formation through information and communications
10 technology worldwide;

11 (4) supporting research and development into
12 innovative tools to assist users who are monitored,
13 censored, blocked, or otherwise restricted from exer-
14 cising rights; and

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

18 (d) JOINT STRATEGIES.—The Administrator of the
19 United States Agency for International Development, in
20 cooperation with the Bureau of Democracy, Human
21 Rights, and Labor, and the Bureau of Economic Affairs,
22 and through consultation with the Broadcasting Board of
23 Governors, shall develop and implement joint strategies
24 relevant for United States Agency for International Devel-
25 opment bureaus and offices and overseas missions de-

1 scribed in subsection (b)(4) that emphasize the promotion
2 of digital safety, user empowerment, and public awareness
3 messaging.

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

9 (1) Internet circumvention;

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

11 and

12 (3) individual online safety and security.

13 **SEC. 413. INTERNATIONAL CYBERSPACE AND CYBERSECU-**
14 **RITY COORDINATION.**

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

17 (1) On December 15, 2010, as part of the re-
18 lease of the first Quadrennial Diplomacy and Devel-
19 opment Review, Secretary of State Hillary Clinton
20 announced the establishment of a Coordinator for
21 Cyber Issues, “who will lead State’s engagement on
22 cybersecurity and other cyber issues, including ef-
23 forts to protect a critical part of diplomacy—the
24 confidentiality of communications between and
25 among governments.”.

1 (2) On February 2, 2010, Admiral Dennis C.
2 Blair, the Director of National Intelligence, testified
3 before the Select Committee on Intelligence of the
4 Senate regarding the Annual Threat Assessment of
5 the U.S. Intelligence Community, stating “The na-
6 tional security of the United States, our economic
7 prosperity, and the daily functioning of our govern-
8 ment are dependent on a dynamic public and private
9 information infrastructure, which includes tele-
10 communications, computer networks and systems,
11 and the information residing within. This critical in-
12 frastructure is severely threatened . . . We cannot
13 protect cyberspace without a coordinated and col-
14 laborative effort that incorporates both the U.S. pri-
15 vate sector and our international partners.”.

16 (3) In a January 2010 speech on Internet free-
17 dom, Secretary of State Hillary Clinton stated:
18 “Those who disrupt the free flow of information in
19 our society, or any other, pose a threat to our econ-
20 omy, our government, and our civil society. Coun-
21 tries or individuals that engage in cyber attacks
22 should face consequences and international con-
23 demnation. In an Internet-connected world, an at-
24 tack on one nation’s networks can be an attack on
25 all. And by reinforcing that message, we can create

1 norms of behavior among States and encourage re-
2 spect for the global networked commons.”.

3 (4) James Lewis, senior fellow at the Center for
4 Strategic and International Studies, asserts, in “Se-
5 curing Cyberspace for the 44th Presidency”, “The
6 international aspects of cybersecurity have been
7 among the least developed elements of U.S. cyberse-
8 curity policy. Given the multinational and global as-
9 pects of network security, this must be remedied, as
10 energetic engagement could produce real benefits in
11 promoting U.S. objectives and reducing risk.”.

12 (5) The 2010 National Broadband Plan of the
13 Federal Communications Commission recommends
14 that “[t]he Executive Branch should develop a co-
15 ordinated foreign cybersecurity assistance program
16 to assist foreign countries in the development of
17 legal and technical expertise to address cybersecu-
18 rity.”.

19 (6) The May 2009 White House Cyberspace
20 Policy Review asserts “[t]he Nation also needs a
21 strategy for cybersecurity designed to shape the
22 international environment and bring like-minded na-
23 tions together on a host of issues, such as technical
24 standards and acceptable legal norms regarding ter-
25 ritorial jurisdiction, sovereign responsibility, and use

1 of force. International norms are critical to estab-
2 lishing a secure and thriving digital infrastructure.”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) even as the United States and the global
6 system have become increasingly more dependent on
7 cyberspace for basic and critical functions and serv-
8 ices, a lack of sufficient norms and principles to gov-
9 ern the international cyberspace environment has re-
10 sulted in significant cyber vulnerabilities and the po-
11 tential for massive state failure in the event of co-
12 ordinated cyber attacks;

13 (2) the multilateral system has not—

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

16 (B) established a basic framework of best
17 practices and governance to address and re-
18 spond to emerging cyber threats;

19 (3) the international community should strongly
20 consider the utility of negotiating a multilateral
21 framework on cyberwarfare that would create shared
22 norms for cyber conduct and head off the poten-
23 tiality for larger disruptions related to cyberwarfare;

24 (4) United States diplomatic engagement to-
25 wards international cybersecurity issues—

1 (A) has been uncoordinated and frag-
2 mented; and

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

5 (5) the Secretary of State, in consultation with
6 other relevant Federal agencies, should develop and
7 establish a clear and coordinated strategy for inter-
8 national cyberspace and cybersecurity engagement,
9 which should—

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

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

16 (C) consider how to support a policy of
17 United States Government collaboration and co-
18 ordination with other countries and organiza-
19 tions in order to bolster an international frame-
20 work of cyber norms, governance, and deter-
21 rence;

22 (D) consider the utility of negotiating a
23 multilateral framework that would provide
24 internationally acceptable principles to better

1 mitigate cyberwarfare, including noncombat-
2 ants;

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

5 (F) be developed in consultation with other
6 United States Government agencies with rel-
7 evant technical expertise or policy mandates
8 pertaining to cyberspace and cybersecurity
9 issues; and

10 (G) draw upon the expertise of technology,
11 security and policy experts, private sector ac-
12 tors, international organizations, and other ap-
13 propriate entities; and

14 (6) the Secretary of State's announcement, in
15 the Quadrennial Diplomacy and Development Re-
16 view, of the creation of an Office of the Coordinator
17 for Cyber Issues is a welcome first step that will
18 help the United States define and organize civilian
19 efforts to appropriately engage and coordinate cyber
20 issues of global concern.

21 (c) STATEMENT OF POLICY.—It is the policy of the
22 United States to promote, in coordination with public and
23 private stakeholders and the international community, en-
24 gagement on international cyber issues through increased

1 diplomatic engagement, capacity building, and collabora-
2 tion on cyber issues of global concern.

3 (d) COORDINATOR FOR CYBERSPACE AND CYBERSE-
4 CURITY ISSUES.—Section 1 of the State Department
5 Basic Authorities Act of 1956 (22 U.S.C. 2651a) is
6 amended—

7 (1) by redesignating subsection (g) as sub-
8 section (h); and

9 (2) by inserting after subsection (f) the fol-
10 lowing:

11 “(g) CYBERSPACE AND CYBERSECURITY ISSUES.—

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

18 “(2) DUTIES.—

19 “(A) PRINCIPAL DUTIES.—The Coordi-
20 nator shall—

21 “(i) be the principal official within the
22 senior management of the Department of
23 State responsible for cyberspace and cyber-
24 security issues;

1 “(ii) be the principal advisor to the
2 Secretary of State on international cyber-
3 space and cybersecurity issues;

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

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

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

12 “(i) provide strategic direction and co-
13 ordination for United States Government
14 policy and programs aimed at addressing
15 and responding to cyberspace and cyberse-
16 curity issues overseas, especially in relation
17 to issues that affect United States foreign
18 policy and related national security con-
19 cerns;

20 “(ii) coordinate with relevant Federal
21 departments and agencies, including the
22 Department of Homeland Security, the De-
23 partment of Defense, the Department of
24 the Treasury, the Department of Justice,
25 the Department of Commerce, and the in-

1 intelligence community to develop inter-
2 agency plans regarding international cyber-
3 space and cybersecurity issues;

4 “(iii) provide a focal point for the pri-
5 vate sector to coordinate on international
6 cyberspace and cybersecurity issues; and

7 “(iv) build multilateral cooperation to
8 develop international norms, common poli-
9 cies, and responses to secure the integrity
10 of cyberspace.

11 “(3) RANK AND STATUS OF AMBASSADOR.—

12 The Coordinator shall have the rank and status of
13 Ambassador at Large.

14 “(4) COUNTRY AND REGIONAL CYBERSPACE
15 AND CYBERSECURITY POLICY COORDINATORS.—The

16 Secretary of State, in consultation with the heads of
17 other relevant Federal agencies and in coordination
18 with the relevant Chief of Mission, should designate
19 an employee to have primary responsibility for mat-
20 ters relating to cyberspace and cybersecurity policy
21 in each country or region that the Secretary con-
22 siders significant with respect to efforts of the
23 United States Government to combat cybersecurity
24 globally.”.

1 (e) STRATEGY FOR UNITED STATES ENGAGEMENT
2 ON INTERNATIONAL CYBER ISSUES.—

3 (1) STRATEGY FOR UNITED STATES CYBER EN-
4 GAGEMENT.—The Coordinator, in consultation with
5 appropriate departments and agencies of the United
6 States Government, shall—

7 (A) develop a strategy to support the ob-
8 jective of promoting United States engagement
9 on international cyber issues; and

10 (B) submit the to the appropriate congres-
11 sional committees.

12 (2) CONTENT.—The strategy developed under
13 paragraph (1) shall—

14 (A) include—

15 (i) efforts to be undertaken;

16 (ii) specific and measurable goals;

17 (iii) benchmarks and time frames for
18 achieving the objectives set forth in sub-
19 section (b)(5)(B); and

20 (iv) progress made towards achieving
21 such objectives; and

22 (B) to the greatest extent possible—

23 (i) be developed in consultation with
24 other United States Government agencies
25 with relevant technical expertise or policy

1 mandates pertaining to cyberspace and cy-
2 bersecurity issues; and

3 (ii) draw upon the expertise of tech-
4 nology, security, and policy experts, private
5 sector actors, international organizations,
6 and other appropriate entities.

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

9 (A) assessments and reviews of existing
10 strategies for international cyberspace and cy-
11 bersecurity policy and engagement;

12 (B) short- and long-term objectives for
13 United States cyberspace and cybersecurity en-
14 gagement; and

15 (C) a description of programs, activities,
16 and policies to foster United States Government
17 collaboration and coordination with other coun-
18 tries and organizations to bolster an inter-
19 national framework of cyber norms, governance,
20 and deterrence, including consideration of the
21 utility of negotiating a multilateral framework
22 to provide internationally acceptable principles
23 to better mitigate cyberwarfare, including non-
24 combatants.

1 (4) REPORTS.—Not later than 1 year after the
2 date of the enactment of this Act, the Secretary of
3 State shall submit a report on the strategy developed
4 under paragraph (1) to—

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

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

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

13 **SEC. 414. PROMOTING GLOBAL ACCESS TO CONNECTIVE**
14 **TECHNOLOGIES.**

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

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

22 (2) The use of mobile devices to deliver life-sav-
23 ing information, provide essential banking services,
24 and connect individuals has become a core pillar in
25 development and democracy promotion.

1 (3) Recent uprisings in the Arab world showed
2 a high use of social media to spread messages of dis-
3 content and to organize mass demonstrations.

4 (4) While the use of mobile telephones is grow-
5 ing at a rapid pace in the developing world, global
6 access to Internet service remains low.

7 (5) According to 2009 data from the Inter-
8 national Telecommunications Union—

9 (A) in Egypt—

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

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

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

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

18 (B) in Yemen—

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

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

23 (iii) none access the Internet through
24 mobile broadband.

1 (b) GLOBAL ACCESS STRATEGY.—Not later than 1
2 year after the date of the enactment of this Act, the Sec-
3 retary of State, in consultation with the USAID Adminis-
4 trator, shall develop and implement a global access strat-
5 egy that—

6 (1) identifies any causal connection between ac-
7 cess to connective technologies and the fulfillment of
8 diplomatic, economic, or development goals and ob-
9 jectives, in cooperation with relevant multilateral or
10 nongovernmental entities;

11 (2) if a causal connection is identified under
12 paragraph (1), includes a strategy for increasing ac-
13 cess for relevant embassy and USAID mission per-
14 formance plans;

15 (3) ensures that funds for democracy and
16 human rights development and promotion, economic
17 growth, transparency, governance, and innovation
18 are provided to increase and promote access, includ-
19 ing technical or in-kind assistance;

20 (4) promotes government-to-government diplo-
21 matic engagement on the issue; and

22 (5) encourages public-private partnerships with
23 United States telecommunications and innovation
24 firms.

1 **SEC. 415. TRANSITION INITIATIVES ACCOUNT.**

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

4 **“SEC. 494. TRANSITION ASSISTANCE.**

5 “(a) IN GENERAL.—Notwithstanding any other pro-
6 vision of law, the Secretary of State is authorized to pro-
7 vide assistance to countries in crisis, or facing the immi-
8 nent threat of crisis, for the purpose of supporting transi-
9 tion to democracy and long-term development.

10 “(b) PURPOSE OF ASSISTANCE.—Assistance under
11 this section may include support for—

12 “(1) the development, strengthening, or preser-
13 vation of democratic institutions and processes;

14 “(2) the revitalization of basic infrastructure;
15 and

16 “(3) the peaceful resolution of conflict.

17 “(c) REPORT.—Not later than 5 days before begin-
18 ning a new assistance program under this section, the Ad-
19 ministrator of the United States Agency for International
20 Development shall submit a report to the Committee on
21 Foreign Relations of the Senate and the Committee on
22 Foreign Affairs of the House of Representatives that de-
23 scribes the new assistance program.

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—

25 “(1) IN GENERAL.—There is authorized to be
26 appropriated to the President \$50,000,000 to carry

1 out this section, which amount shall remain available
2 until expended.

3 “(2) **ADDITIONAL ASSISTANCE.**—In addition to
4 any authority otherwise available to provide assist-
5 ance in furtherance of the purposes described in sub-
6 section (a), and in addition to amounts otherwise
7 available to carry out this section, the Secretary may
8 expend up to \$15,000,000 of the amounts appro-
9 priated to carry out this part to carry out this sec-
10 tion if the Secretary determines that it is important
11 to the national interests of the United States to pro-
12 vide transition assistance beyond the assistance pro-
13 vided with the amounts appropriated pursuant to
14 paragraph (1).”.

15 **SEC. 416. REPORT ON UNITED STATES GOVERNMENT HU-**
16 **MANITARIAN ASSISTANCE PROGRAMS.**

17 (a) **PRESIDENTIAL REPORT.**—Not later than 1 year
18 after the date of the enactment of this Act, the President
19 shall submit a report to the appropriate congressional
20 committees on overseas United States Government hu-
21 manitarian assistance programs that contains—

22 (1) a list of all United States Government de-
23 partments and agencies, including the Department
24 of Defense, involved in implementing humanitarian
25 assistance programs;

1 (2) a list of funding costs associated with each
2 respective department and agency undertaking hu-
3 manitarian assistance programs, including the De-
4 partment of Defense;

5 (3) a description of the scope, size, and compo-
6 nents of all humanitarian assistance programs for
7 fiscal years 2010 and 2011;

8 (4) an evaluation of the appropriate role of
9 United States Government departments and agen-
10 cies, especially the coordination between United
11 States civilian agencies and the United States mili-
12 tary in carrying out humanitarian assistance pro-
13 grams, including a discussion of—

14 (A) obstacles to more effective humani-
15 tarian coordination between Combatant Com-
16 mands and civilian agencies within their respec-
17 tive areas of responsibility;

18 (B) Department of Defense guidance and
19 directives concerning foreign disaster relief op-
20 erations;

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

24 (D) the extent to which Combatant Com-
25 mands—

1 (i) included foreign disaster relief in
2 their theater campaign plans; and

3 (ii) developed contingency plans to re-
4 spond to foreign disasters, such as the
5 2010 earthquake in Haiti;

6 (E) the extent to which the Department of
7 Defense and the Combatant Commands ensure
8 relief efforts are coordinated by sharing their
9 guidance, directives, and plans for foreign dis-
10 asters with other United States Government
11 agencies, including—

12 (i) the Office of Foreign Disaster As-
13 sistance of the United States Agency for
14 International Development;

15 (ii) the Department of State;

16 (iii) nongovernmental agencies; and

17 (iv) foreign partners;

18 (F) mechanisms within the Combatant
19 Commands to further collaborate with inter-
20 agency partners when responding to foreign dis-
21 asters;

22 (G) the extent to which the Department of
23 Defense has reviewed and assessed its foreign
24 disaster relief operations for opportunities to re-

1 duce duplication and overlap with the efforts of
2 other United States Government agencies; and

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

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

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

16 (1) a review of, and comments addressing, how
17 effectively the Department of Defense and the Com-
18 batant Commands undertake and coordinate human-
19 itarian assistance activities; and

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

23 **SEC. 417. REPORT REPEALS.**

24 (a) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS
25 TO INTERNATIONAL ORGANIZATIONS.—Section 4(b) of the

1 United Nations Participation Act (22 U.S.C. 287b(b)) is
2 repealed.

3 (b) REPORT ON VISA ISSUANCE TO INADMISSIBLE
4 ALIENS.—Section 51(a) of the State Department Basic
5 Authorities Act of 1956 (22 U.S.C. 2723(a)) is amend-
6 ed—

7 (1) in paragraph (1), by striking “(1) DENIAL
8 OF VISAS.—”; and

9 (2) by striking paragraph (2).

10 (c) FOREIGN ASSISTANCE ACT OF 1961 REPORTS.—

11 The Foreign Assistance Act of 1961 (Public Law 87–195)

12 is amended—

13 (1) in section 133 (22 U.S.C. 2152c)—

14 (A) by striking subsection (d); and

15 (B) by redesignating subsection (e) as sub-
16 section (d);

17 (2) in section 620C (22 U.S.C. 2373)—

18 (A) by striking subsection (c); and

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

21 (3) in section 620F (22 U.S.C. 2376), by strik-
22 ing subsection (c).

23 (d) ANNUAL REPORTS ON SOVIET AND EASTERN EU-
24 ROPEAN TRAINING.—Section 807 of the Soviet-Eastern

1 European Research and Training Act of 1983 (22 U.S.C.
2 4506) is repealed.

3 (e) ANNUAL SEED PROGRAM REPORT.—Section 704
4 of the Support for East European Democracy (SEED)
5 Act of 1989 (Public Law 101–179) is repealed.

6 (f) PLO COMMITMENTS COMPLIANCE REPORT.—
7 Section 804(b) of the PLO Commitments Compliance Act
8 of 1989 (Public Law 101–246) is repealed.

9 (g) REPORT ON MIDDLE EAST ARMS TRANSFERS.—
10 Section 404(c) of the Foreign Relations Authorization
11 Act, Fiscal Years 1992 and 1993 (Public Law 102–138)
12 is repealed.

13 (h) ANNUAL REPORT ON ASSISTANCE FOR INDE-
14 PENDENT STATES OF FORMER SOVIET UNION.—Section
15 104 of the FREEDOM Support Act (Public Law 102–
16 511) is repealed.

17 (i) ANNUAL REPORT ON VIOLATIONS OF TERRI-
18 TORIAL INTEGRITY IN FORMER SOVIET UNION.—Section
19 560(g) of the Foreign Operations, Export Financing, and
20 Related Programs Appropriations Act, 1994 (Public Law
21 103–87) is amended by striking “: *Provided further*, That
22 thirty days” and all that follows and inserting a period.

23 (j) REPORTS ON PARTNERSHIP FOR PEACE INITIA-
24 TIVE AND OUTSTANDING EXPROPRIATIONS CLAIMS.—
25 Title V of the Foreign Relations Authorization Act, Fiscal

1 Years 1994 and 1995 (Public Law 103–236) is amend-
2 ed—

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

4 and

5 (2) in section 527—

6 (A) by striking subsection (f); and

7 (B) by redesignating subsections (g) and

8 (h) as subsections (f) and (g), respectively.

9 (k) REPORT ON MILITARY ACTIVITIES OF NORTH
10 KOREA.—Section 585 of the Foreign Operations, Export
11 Financing, and Related Programs Appropriations Act,
12 1997 (Public Law 104–208; 22 U.S.C. 2656 note) is re-
13 pealed.

14 (l) REPORTS ON ACQUISITIONS AND UNITED NA-
15 TIONS POLICY ON ISRAEL.—The Admiral James W.
16 Nance and Meg Donovan Foreign Relations Authorization
17 Act, Fiscal Years 2000 and 2001 (as enacted by reference
18 in section 1000(a)(7) of Public Law 106–113) is amend-
19 ed—

20 (1) in section 605, by striking subsection (c);

21 and

22 (2) in section 721—

23 (A) by striking subsection (c);

24 (B) by redesignating subsection (d) as sub-

25 section (c); and

1 (C) in subsection (c), as redesignated, by
2 striking “At the time of the submission of each
3 annual report under subsection (c), the Sec-
4 retary” and inserting “The Secretary”.

5 (m) REPORT ON EXTRADITION OF NARCOTICS TRAF-
6 FICKERS.—Section 3203 of Public Law 106–246 is re-
7 pealed.

8 (n) REPORT ON TERRORIST LOOKOUT COMMIT-
9 TEES.—Section 304 of the Enhanced Border Security and
10 Visa Entry Reform Act of 2002 (Public 107–173) is
11 amended—

12 (1) by striking subsection (f); and

13 (2) by redesignating subsection (g) as sub-
14 section (f).

15 (o) OTHER REPORTS.—

16 (1) REPORTS ON ACTIVITIES IN COLOMBIA AND
17 GERMAN FOUNDATION.—The Department of State
18 Authorization Act, Fiscal Year 2003 (division A of
19 Public Law 107–228) is amended—

20 (A) by striking section 694; and

21 (B) by striking section 704.

22 (2) IMPLEMENTATION REPORT.—Section 1321
23 of the Security Assistance Act of 2002 (division B
24 of Public Law 107–228) is repealed.

1 (p) CHIEF OF MISSION STAFF ELEMENT RE-
2 PORTS.—Section 409(c) of the Department of State and
3 Related Agency Appropriations Act, 2005 (Public Law
4 108–447) is repealed.

5 **SEC. 418. WORKING CAPITAL FUND.**

6 (a) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the United
9 States Agency for International Development.

10 (2) FUND.—The term “Fund” means the
11 Working Capital Fund established pursuant to sub-
12 section (b).

13 (3) LOCAL ENTITY.—The term “local entity”
14 means an individual, a corporation, or another group
15 of persons located, or having as its principal place
16 of business or operations, in a country receiving as-
17 sistance from funds appropriated under title III.

18 (4) USAID.—The term “USAID” means the
19 United States Agency for International Develop-
20 ment.

21 (b) ESTABLISHMENT.—The Administrator is author-
22 ized to establish a Working Capital Fund.

23 (c) DEPOSITS.—Up to 1 percent of the total value
24 of obligations entered into by USAID from appropriations
25 available to USAID, and any appropriation made available

1 for the purpose of providing capital, may be deposited into
2 the Fund during any fiscal year. Receipts from the dis-
3 posal of, or repayments for the loss or damage to, property
4 held in the Fund, rebates, reimbursements, refunds and
5 other credits applicable to the operation of the Fund may
6 be deposited into the Fund.

7 (d) USE OF FUNDS.—Amounts deposited into the
8 Fund during any fiscal year shall be available, without fis-
9 cal year limitation in addition to other funds available for
10 such purposes, for administrative costs resulting from
11 agency implementation and procurement reform efforts,
12 the administration of the Fund, and administrative contin-
13 gencies designated by the Administrator, including—

- 14 (1) personal and nonpersonal services;
15 (2) training; and
16 (3) supplies.

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

- 20 (1) amounts in excess of \$100,000,000; and
21 (2) such other amounts as the Administrator
22 determines to be in excess of the needs of the Fund.

23 (f) PROCUREMENT REFORM.—

- 24 (1) LOCAL COMPETITION.—Subject to para-
25 graph (2), the Administrator may use amounts made

1 available under this Act or otherwise appropriated
2 for the Department of State, Foreign Operations,
3 and Related Programs, to award contracts or other
4 instruments in which competition is limited to local
5 entities.

6 (2) LIMITATION.—Contracts and other instru-
7 ments awarded under paragraph (1) may not exceed
8 \$5,000,000.

9 **SEC. 419. RETENTION OF INTEREST EARNED ON ADVANCED**
10 **FUNDS.**

11 Section 635 of the Foreign Assistance Act of 1961
12 (22 U.S.C. 2395) is amended by adding at the end the
13 following:

14 “(n) The Administrator of the United States Agency
15 for International Development may enter into agreements
16 with international organizations that provide for the reten-
17 tion of interest earned on the advance of funds by such
18 organizations.”.

19 **SEC. 420. STATEMENT OF GLOBAL DEVELOPMENT POLICY.**

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

22 (1) Since 1,000,000,000 people worldwide live
23 on less than \$1 per day, the majority of whom are
24 women, and an additional 1,600,000,000 people
25 struggle to survive on less than \$2 per day—

1 (A) United States development programs
2 should continue to promote country-led solu-
3 tions to reduce poverty and eliminate extreme
4 global poverty through sustainable economic
5 growth; and

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

12 (2) Integrating sustainable development into
13 United States development assistance is an impor-
14 tant component of comprehensive and effective aid
15 programs.

16 (3) In 1987, the World Commission on Envi-
17 ronment and Development (the Brundtland Commis-
18 sion) published a report entitled *Our Common Fu-*
19 *ture*, which defined sustainable development as “de-
20 velopment that meets the needs of the present with-
21 out compromising the ability of future generations to
22 meet their own needs”.

23 (4) Outcomes from the 1992 United Nations
24 Conference on Environment and Development in Rio
25 de Janeiro (commonly referred to as the Rio Con-

1 ference or Earth Summit), the 2002 World Summit
2 on Sustainable Development in Johannesburg, and
3 the recent sessions of the Commission on Sustain-
4 able Development elevated public awareness on the
5 need to integrate environmental priorities with devel-
6 opment objectives.

7 (5) Actions that address the development chal-
8 lenges faced by vulnerable and impoverished devel-
9 oping nations should—

10 (A) include focused attention on the sus-
11 tainability of the world's natural resources;

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

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

17 (D) consider that developing countries rely
18 on natural ecosystems and are likely to be af-
19 fected by climate change to a much greater de-
20 gree than developed countries, with women
21 shouldering much of the burden given their
22 prominent roles in fuel and food consumption
23 and production.

24 (6) Developing countries presently face and will
25 continue to face sharply decreasing yields from agri-

1 culture production because of climate change, which
2 undermines food security in such countries.

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

14 (8) Public-private partnerships are an essential
15 tool to advance our efforts in a range of critical
16 areas. President Obama has called partnerships “a
17 defining feature of our foreign policy” and a way to
18 involve multiple stakeholders and to conduct our di-
19 plomacy directly with citizens around the world. The
20 First Quadrennial Diplomacy and Development Re-
21 view states: “Private sector partners can add value
22 to our missions . . . Their reach and influence con-
23 tinues to grow. So too must our efforts to connect
24 with, build upon, and amplify their work to advance
25 our common interests”.

1 (9) Investing in innovation has the potential to
2 solve long-standing development challenges by—

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

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

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

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

13 (10) Transparency is—

14 (A) a prerequisite for development effec-
15 tiveness; and

16 (B) fundamental to the success of better
17 governance and enhanced development out-
18 comes in recipient countries.

19 (11) The High Level Forum on Aid Effective-
20 ness in Busan, Republic of Korea, in November
21 2011, represents a critical moment for donors—

22 (A) to generate political will for elevating
23 and maintaining development as an inter-
24 national priority in the face of a range of com-
25 peting international and domestic agendas;

1 (B) to modernize the aid delivery model to
2 capitalize on new models of innovation and to
3 scale up the development impact of aid inter-
4 ventions;

5 (C) to assess commitments to improve the
6 quality of aid made at previous forums in Paris
7 and Accra; and

8 (D) to establish a new consensus for a
9 global development partnership that will im-
10 prove the effectiveness of the official aid sector
11 and capture the different circumstances under
12 which aid is currently delivered.

13 (b) POLICY.—It is the policy of the United States to
14 promote broad-based, sustainable global development, re-
15 duce poverty, and eliminate extreme global poverty by—

16 (1) maximizing good development principles and
17 key reforms, including—

18 (A) increasing efficiencies by eliminating
19 wasteful regulations and demanding clear re-
20 sults, demonstrated by consistent evaluation;

21 (B) prioritizing accountability with clear
22 objectives, improved coordination with other do-
23 nors and stakeholders, increased transparency,
24 and more effective and meaningful monitoring

1 and evaluation, including attention to gender
2 relations in all relevant areas;

3 (C) incorporating local priorities and policy
4 reforms that will reflect developing country pri-
5 orities, including through the meaningful en-
6 gagement of local civil society;

7 (D) ensuring that gender equality and
8 analyses of impact by gender are incorporated
9 and operationalized throughout programs at all
10 stages of the program cycle;

11 (E) maintaining distinctions between diplo-
12 macy and development, recognizing that each
13 harbors different objectives, timelines, and pri-
14 orities;

15 (F) reducing the footprint of the Depart-
16 ment of Defense in post-conflict reconstruction,
17 stability, and development aid so that the De-
18 partment can focus its resources and expertise
19 on its primary mission; and

20 (G) supporting a strong, empowered
21 United States Agency for International Devel-
22 opment that can effectively address 21st cen-
23 tury challenges and priorities;

24 (2) supporting and integrating principles of
25 sustainable development, including—

1 (A) integrating the current and predicted
2 impacts of climate change, based on sound
3 science;

4 (B) ensuring that these principles, which
5 balance social, economic, and environmental
6 concerns, are mainstreamed into economic mod-
7 els, decision-making mechanisms, and spatial
8 planning;

9 (C) recognizing that climate change is—

10 (i) currently a serious challenge and
11 threat in many parts of the world;

12 (ii) a potentially significant national
13 and global security threat multiplier that is
14 likely to exacerbate economic and social in-
15 equality and increase competition and con-
16 flict over agricultural, vegetative, marine,
17 and water resources; and

18 (iii) will likely result in increased dis-
19 placement of people, especially women and
20 children, in addition to poverty and hunger
21 within developing countries;

22 (D) assessing—

23 (i) the progress made to date and the
24 remaining gaps in the implementation of

1 the outcomes of the major summits on sus-
2 tainable development;

3 (ii) the manner with which new and
4 emerging challenges are addressed; and

5 (iii) the renewal of the United States
6 Government's political commitment to sus-
7 tainable development in upcoming inter-
8 national conferences;

9 (E) strengthening mechanisms to monitor
10 critical resources in order to—

11 (i) ensure resource sustainability for
12 future generations; and

13 (ii) adjust present activities accord-
14 ingly; and

15 (F) recognizing that sustainable develop-
16 ment efforts must incorporate a strong urban
17 lens to help cities—

18 (i) increase their resilience;

19 (ii) enact sustainable urban develop-
20 ment policies and programs; and

21 (iii) prepare for numerous develop-
22 mental, environmental, and climate change
23 challenges;

24 (3) expanding public-private sector partnerships
25 and leveraging private sector resources, including—

1 (A) streamlining the process for developing
2 public-private partnerships and establishing a
3 coordinated approach among all United States
4 departments and agencies undertaking develop-
5 ment programs and activities;

6 (B) emphasizing alliances and coalitions by
7 bringing together a wide range of global part-
8 ners around a common partnership mission;

9 (C) enhancing training and incentives by—

10 (i) creating a training module in part-
11 nership development;

12 (ii) building appropriate incentive
13 structures that reward partnership cre-
14 ation; and

15 (iii) hiring external partnership ex-
16 perts to build United States Government
17 institutional expertise; and

18 (D) pursuing a range of innovative part-
19 nerships, including connecting to State, local
20 government officials and diaspora communities
21 in the United States and throughout the
22 world—

23 (i) to share best practices;

24 (ii) to provide technical assistance;

25 and

1 (iii) to promote cooperation on shared
2 challenges;

3 (4) investing in innovation, including sup-
4 porting and accelerating programs and mechanisms
5 at the United States Agency for International Devel-
6 opment (USAID), such as the Development Innova-
7 tion Ventures, which enable USAID to work with
8 partners to identify, test, and scale evidence-based
9 development solutions that can significantly improve
10 outcomes; and

11 (5) enhancing transparency by—

12 (A) publishing detailed information on
13 United States Government humanitarian and
14 development assistance that is timely, acces-
15 sible, comprehensive, and comparable;

16 (B) providing comprehensive program level
17 detail on a publicly accessible Web site by ex-
18 panding the Foreign Assistance Dashboard; and

19 (C) ensuring that United States Govern-
20 ment assistance is reflected on partner coun-
21 tries' formal budgeting systems, to the extent
22 possible, by establishing—

23 (i) a baseline by September 30, 2011,
24 that identifies the percentage of all United
25 States humanitarian and development as-

1 sistance that is on-budget and the percent-
2 age that is off-budget; and

3 (ii) consistent guidelines for United
4 States agencies to follow to determine
5 when the funding for humanitarian and de-
6 velopment assistance is on-budget or off-
7 budget.

8 **SEC. 421. USAID MISSIONS.**

9 Any decision to open a new USAID mission or office
10 or close or significantly reduce the number of personnel
11 of any such mission or office shall be subject to the regular
12 notification procedures of the appropriate congressional
13 committees unless there is a substantial security risk to
14 mission personnel.

15 **SEC. 422. MONITORING AND EVALUATION OF UNITED**
16 **STATES FOREIGN ASSISTANCE.**

17 (a) IN GENERAL.—The President shall develop and
18 implement a rigorous system to evaluate the effectiveness
19 and efficiency of United States foreign assistance.

20 (b) COMPONENTS OF SYSTEM.—In order to avoid du-
21 plication, ensure comprehensive coverage, credibility,
22 unbiasedness, transparency, the generation of high quality
23 information and knowledge, and to facilitate comparability
24 of results and the development of a strong body of evi-

1 dence, the system required under subsection (a) shall in-
2 clude—

3 (1) a method of coordinating evaluation activi-
4 ties among all Executive agencies carrying out
5 United States foreign assistance; and

6 (2) a process for consulting with relevant stake-
7 holders and subject matter experts, as appropriate,
8 on the planning, design, and implementation of eval-
9 uation activities and the dissemination of evaluation
10 findings.

11 (c) REQUIRED ACTIONS.—In carrying out subsection
12 (a), the President shall ensure that the head of each Exec-
13 utive agency takes the following actions with regard to
14 United States foreign assistance carried out by that agen-
15 cy:

16 (1) Establish measurable and meaningful per-
17 formance objectives, including disaggregation by sex,
18 as appropriate.

19 (2) Establish criteria for the selection of pro-
20 grams, projects, and activities to be subject to var-
21 ious evaluation methodologies, with a particular em-
22 phasis on impact evaluation.

23 (3) Establish or designate an organizational
24 unit with adequate staff and resources to oversee

1 and provide technical support for evaluation activi-
2 ties.

3 (4) Develop a plan for improving the capacity
4 of the agency to conduct rigorous, relevant, and ob-
5 jective program monitoring and evaluation, includ-
6 ing—

7 (A) by providing relevant education and
8 training opportunities;

9 (B) by encouraging the adoption of im-
10 proved methodologies for data collection and
11 analysis; and

12 (C) by ensuring that best practices are
13 shared within and between agencies.

14 (5) Establish guidelines for enhancing, in co-
15 operation with other donors, the capacity of partner
16 countries to monitor the use of and evaluate the im-
17 pact of donor assistance.

18 (6) Establish a process for applying the find-
19 ings and results of monitoring and evaluation activi-
20 ties, including impact evaluation research, into fu-
21 ture program planning, budgeting, design, and im-
22 plementation.

23 (7) Establish a policy for the publication of pro-
24 gram evaluations.

1 (8) Develop, in consultation with relevant stake-
2 holders, an annual evaluation plan that describes
3 how the agency will meet the requirements under
4 this section.

5 (9) Identify the source or mechanism of funding
6 to conduct monitoring and evaluation of United
7 States foreign assistance carried out by such agency.

8 (d) SUBMISSION OF EVALUATION PLANS.—The
9 President shall ensure that the evaluation plans required
10 under subsection (c)(8)—

11 (1) are submitted annually to the appropriate
12 congressional committees with the annual budget
13 presentation; and

14 (2) are published on a Government Web site.

15 (e) LOCAL PERFORMANCE.—To the extent feasible
16 and appropriate, evaluation activities carried out pursuant
17 to the requirements under this section shall be carried out
18 by, or with the participation of, organizations in the part-
19 ner country.

20 (f) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means the Committee on Foreign Affairs
24 and the Committee on Appropriations of the House
25 of Representatives, and the Committee on Foreign

1 Relations and the Committee on Appropriations of
2 the Senate.

3 (2) EVALUATION.—The term “evaluation”
4 means the systematic and objective determination
5 and assessment of the design, implementation, and
6 results of an ongoing or completed program, project,
7 or activity, including an explanation of the reasons
8 or causes for the observed results.

9 (3) EXECUTIVE AGENCY.—The term “Executive
10 agency” has the meaning given the term in section
11 105 of title 5, United States Code.

12 (4) IMPACT.—The term “impact” means a
13 long-term effect of a program, project, or activity,
14 whether positive or negative, direct or indirect, in-
15 tended or unintended.

16 (5) IMPACT EVALUATION RESEARCH.—The
17 term “impact evaluation research” means the appli-
18 cation of research methods and statistical analysis to
19 measure the extent to which an impact can be at-
20 tributed to a United States foreign assistance pro-
21 gram, project, or activity rather than to other fac-
22 tors.

23 (6) PARTNER COUNTRY.—The term “partner
24 country” means a country that is a current or

1 planned recipient of United States foreign assist-
2 ance.

3 (7) RELEVANT STAKEHOLDER.—The term “rel-
4 evant stakeholder” means a party that is involved in
5 funding, designing or implementing a program being
6 monitored or evaluated.

7 (8) UNITED STATES FOREIGN ASSISTANCE.—
8 The term “United States foreign assistance” means
9 assistance under this Act, the Foreign Assistance
10 Act of 1961, or related appropriations Acts.

11 **SEC. 423. NATIONAL ACTION PLAN ON WOMEN, PEACE AND**
12 **SECURITY .**

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

15 (1) United Nations Security Council Resolution
16 1325 and subsequent Resolutions 1880, 1888, 1889,
17 and 1960 reaffirm the critical role of women in the
18 prevention and resolution of conflicts, including in—

19 (A) peace negotiations;

20 (B) peacekeeping and peace-building ef-
21 forts;

22 (C) humanitarian response; and

23 (D) post-conflict reconstruction;

24 (2) On October 26, 2010, at remarks on the oc-
25 casion of the Tenth Anniversary of United Nations

1 Security Council Resolution 1325 on Women, Peace,
2 and Security, the Secretary of State announced the
3 United States commitment to develop a United
4 States National Action Plan to accelerate the imple-
5 mentation of Resolution 1325.

6 (b) NATIONAL ACTION PLAN.—The President shall
7 coordinate with executive branch agencies to draft a
8 United States National Action Plan that seeks to ensure
9 that the United States effectively promotes and supports
10 the rights and roles of women in conflict-affected and
11 post-conflict regions through clear, measurable commit-
12 ments—

13 (1) to promote the active and meaningful par-
14 ticipation of women in affected areas in all aspects
15 of conflict prevention, management, and resolution;

16 (2) to integrate the perspectives and interests
17 of affected women into conflict-prevention activities
18 and strategies;

19 (3) to promote the physical safety, economic se-
20 curity, and dignity of women and girls;

21 (4) to support women’s equal access to aid dis-
22 tribution mechanisms and services; and

23 (5) to monitor, analyze, and evaluate implemen-
24 tation efforts and their impact.

1 (c) CONGRESSIONAL NOTIFICATION AND BRIEF-
2 ING.—Upon the completion of the National Action Plan,
3 the President shall notify Congress, and brief the leader-
4 ship and relevant committees of Congress, regarding the
5 precise commitments and implementation plan.

6 **TITLE V—PEACE CORPS**
7 **IMPROVEMENT AND EXPANSION**

8 **SEC. 501. SHORT TITLE.**

9 This title may be cited as the “Peace Corps Improve-
10 ment and Expansion Act of 2011”.

11 **SEC. 502. FINDINGS.**

12 Congress makes the following findings:

13 (1) Firmly established beliefs of the Peace
14 Corps include the following:

15 (A) The act of volunteering has inherent
16 value.

17 (B) The foreign policy goals of the United
18 States are advanced by—

19 (i) contributing to the reduction of
20 poverty; and

21 (ii) fostering international under-
22 standing.

23 (2) More than 200,000 volunteers have ably
24 served in the Peace Corps in 139 countries by—

1 (A) working towards economic and social
2 development; and

3 (B) promoting a better understanding of—

4 (i) the people of the United States on
5 the part of the peoples served; and

6 (ii) other peoples on the part of the
7 people of the United States.

8 (3) Today, the importance and necessity is
9 greater than ever for the Peace Corps—

10 (A) to promote global economic and social
11 development;

12 (B) to promote understanding and friend-
13 ship; and

14 (C) to foster collaboration with inter-
15 national nongovernmental organizations.

16 (4) Since 1961, a bipartisan succession of
17 Presidents and Congresses have endorsed the expan-
18 sion of the Peace Corps in order—

19 (A) to meet requests from countries to in-
20 crease the size of the Peace Corps programs in
21 their countries;

22 (B) to initiate Peace Corps programs in
23 countries where the Peace Corps does not cur-
24 rently operate;

1 (C) to provide more opportunities for the
2 people of the United States to engage in volun-
3 teer service abroad; and

4 (D) to renew dormant Peace Corps pro-
5 grams.

6 (5) The purpose of the Peace Corps, as de-
7 clared by section 2(a) of the Peace Corps Act (22
8 U.S.C. 2501(a)), is to promote world peace and
9 friendship by helping—

10 (A) the people of interested countries in
11 meeting their needs for trained men and
12 women, particularly in meeting the basic needs
13 of those living in the poorest areas of such
14 countries;

15 (B) to promote a better understanding of
16 people of the United States on the part of the
17 peoples served; and

18 (C) to promote a better understanding of
19 other peoples on the part of the people of the
20 United States.

21 **SEC. 503. REPORT ON THE IMPLEMENTATION OF THE**
22 **PEACE CORPS COMPREHENSIVE AGENCY AS-**
23 **SESSMENT.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of the enactment of this Act, the Director of the

1 Peace Corps shall submit a report to the appropriate con-
2 gressional committees that includes—

3 (1) the progress made toward implementing the
4 recommendations of the Peace Corps Comprehensive
5 Agency Assessment of 2010; and

6 (2) the impact of the Portfolio Review on the
7 current and planned distribution of Peace Corps vol-
8 unteers throughout the world.

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

12 (1) the Committee on Foreign Relations of the
13 Senate;

14 (2) the Committee on Appropriations of the
15 Senate;

16 (3) the Committee on Foreign Affairs of the
17 House of Representatives; and

18 (4) the Committee on Appropriations of the
19 House of Representatives.

20 **SEC. 504. PERSONAL SERVICES CONTRACTORS.**

21 Section 10(a)(5) of the Peace Corps Act (22 U.S.C.
22 2509(a)(5)) is amended by striking “for any purpose” and
23 inserting “for the purposes of any law administered by the
24 Office of Personnel Management”.

1 **TITLE VI—R.M.S. TITANIC MARI-**
2 **TIME MEMORIAL PRESERVA-**
3 **TION ACT**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “R.M.S. Titanic Mari-
6 time Memorial Preservation Act of 2011”.

7 **SEC. 602. FINDINGS AND PURPOSES.**

8 Section 2 of the R.M.S. Titanic Maritime Memorial
9 Act of 1986 (16 U.S.C. 450rr) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking “should
12 be designated” and inserting “is recognized”;

13 (B) in paragraph (2), by striking “recent”;

14 (C) in paragraph (3), by striking “and” at
15 the end;

16 (D) in paragraph (4), by striking the pe-
17 riod at the end and inserting a semicolon; and

18 (E) by adding after paragraph (4) the fol-
19 lowing:

20 “(5) the Secretary of Commerce, through the
21 National Oceanic and Atmospheric Administration’s
22 National Marine Sanctuary Program, and in con-
23 sultation with the Secretary of State, other inter-
24 ested Federal agencies, academic and research insti-
25 tutions, the public, the United Kingdom, France,

1 and Canada, issued Final Guidelines for Research,
2 Exploration, and Salvage of R.M.S. Titanic on April
3 12, 2001 (66 Fed. Reg. 18905), as directed under
4 section 5; and

5 “(6) the Secretary of State, in consultation with
6 the Secretary of Commerce, negotiated the Inter-
7 national Agreement with the United Kingdom,
8 France, and Canada pursuant to section 6, which
9 was signed on June 18, 2004, subject to acceptance
10 by the United States.”; and

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b) PURPOSE.—The purposes of this Act are—

14 “(1) to ensure the protection of R.M.S. Titanic
15 and its wreck site as—

16 “(A) an international maritime memorial
17 and grave site to those aboard the ship who
18 perished in 1912; and

19 “(B) a site of unique scientific, archeo-
20 logical, cultural, and historical significance for
21 present and future generations;

22 “(2) to ensure that the planning and conduct of
23 any activities directed at R.M.S. Titanic and its
24 wreck site are consistent with applicable law, includ-
25 ing the International Agreement; and

1 “(3) to call upon the Secretary of State to en-
2 courage other interested nations, especially nations
3 with the technological capability to access R.M.S. Ti-
4 tanic and its wreck site, to consent to be bound by
5 the International Agreement.”.

6 **SEC. 603. DEFINITIONS.**

7 Section 3 of the R.M.S. Titanic Maritime Memorial
8 Act of 1986 (16 U.S.C. 450rr-1) is amended to read as
9 follows:

10 **“SEC. 3. DEFINITIONS.**

11 “In this Act—

12 “(1) the term ‘collection’ means each grouping
13 of R.M.S. Titanic property, other than human re-
14 mains, that results from recovery activities after
15 September 1, 1985, at the wreck site of R.M.S. Ti-
16 tanic authorized by—

17 “(A) an order of a United States court of
18 competent jurisdiction;

19 “(B) a permit granted by the Secretary of
20 Commerce under section 7; or

21 “(C) an order of a court or tribunal (in-
22 cluding any administrative body, Office of Mari-
23 time Affairs, or Receiver of Wreck) of com-
24 petent jurisdiction of the United Kingdom,

1 France, or Canada, or of a state party to the
2 International Agreement;

3 “(2) the term ‘import’ means to bring into, or
4 introduce into, or attempt to bring into or introduce
5 into, the United States, including its territories and
6 insular possessions, and the territorial sea of the
7 United States (as defined in Presidential Proclama-
8 tion 5928, issued December 27, 1988);

9 “(3) the term ‘International Agreement’ means
10 the Agreement concerning the Shipwrecked Vessel
11 RMS Titanic;

12 “(4) the term ‘Person’ means any individual
13 (whether or not a citizen or national of the United
14 States), any corporation, partnership, association, or
15 other entity (whether or not organized or existing
16 under the laws of any State), and any Federal,
17 State, local, or foreign government or any entity of
18 any such government;

19 “(5) the term ‘R.M.S. Titanic property’ in-
20 cludes—

21 “(A) the shipwrecked vessel R.M.S. Ti-
22 tanic;

23 “(B) the cargo of R.M.S. Titanic, any
24 other contents from the ship, or any associated

1 items scattered on the ocean floor in the vicin-
2 ity of the ship, or any portion of the ship;

3 “(C) all such property recovered from the
4 wreck site since September 1, 1985; and

5 “(D) any human remains of those aboard
6 R.M.S. Titanic who perished;

7 “(6) the term ‘Rules’ means the ‘Rules Con-
8 cerning Activities Aimed at the RMS Titanic and/or
9 its Artifacts’ contained in the Annex to the Inter-
10 national Agreement; and

11 “(7) the term ‘United States waters’ means all
12 waters of the United States on the landward side of
13 the baseline from which the breadth of the United
14 States territorial sea is measured, and the waters of
15 the United States territorial sea as described in
16 Presidential Proclamation 5928, dated December 27,
17 1988.”.

18 **SEC. 604. IMPLEMENTATION OF THE INTERNATIONAL**
19 **AGREEMENT.**

20 The R.M.S. Titanic Maritime Memorial Act of 1986
21 (16 U.S.C. 450rr et seq.) is amended—

22 (1) by striking sections 5, 6, and 7;

23 (2) by redesignating section 8 as section 20;

24 and

25 (3) by inserting after section 4 the following:

1 **“SEC. 5. SCOPE AND APPLICABILITY.**

2 “(a) IN GENERAL.—This Act shall apply to—

3 “(1) any person subject to the jurisdiction of
4 the United States at the time that such person en-
5 engages in an activity prohibited under section 6;

6 “(2) any vessel of the United States, includ-
7 ing—

8 “(A) a vessel documented under chapter
9 121 of title 46, United States Code, or vessels
10 numbered as provided under chapter 123 of
11 such title;

12 “(B) a vessel (other than a vessel that has
13 been granted the nationality of a foreign nation
14 in accordance with article 5 of the Convention
15 on the High Seas, done at Geneva on April 29,
16 1958, and article 91 of the 1982 Convention on
17 the Law of the Sea, signed at Montego Bay,
18 Jamaica on December 10, 1982, if a claim of
19 nationality or registry for the vessel is made by
20 the master or individual in charge at the time
21 of the action by an officer or employee of the
22 United States authorized to enforce applicable
23 provisions of United States law) owned in whole
24 or part by—

1 “(i) the United States or a territory,
2 commonwealth, or possession of the United
3 States and used on commercial service;

4 “(ii) a State or a political subdivision
5 of a State and used on commercial service;

6 “(iii) a citizen or national of the
7 United States; or

8 “(iv) a corporation created under the
9 laws of the United States, any State, the
10 District of Columbia, or any territory,
11 commonwealth, or possession of the United
12 States; and

13 “(C) a vessel that was once documented
14 under the laws of the United States and, in vio-
15 lation of the laws of the United States, was—

16 “(i) sold to a person that is not a cit-
17 izen of the United States; or

18 “(ii) placed under foreign registry or
19 a foreign flag, whether or not the vessel
20 has been granted the nationality of a for-
21 eign nation;

22 “(3) any vessel subject to the jurisdiction of the
23 United States including—

24 “(A) a vessel without nationality;

1 “(B) a vessel assimilated to a vessel with-
2 out nationality, in accordance with paragraph
3 (2) of article 6 of the Convention on the High
4 Seas, done at Geneva on April 29, 1958, or ar-
5 ticle 91 of the Convention on the Law of the
6 Sea, signed at Montego Bay, Jamaica on De-
7 cember 10, 1982;

8 “(C) a vessel registered in a foreign nation
9 if—

10 “(i) the flag nation has consented to,
11 or waived objection to, the enforcement of
12 United States law by the United States;
13 and

14 “(ii) such consent or waiver—

15 “(I) was obtained by radio, tele-
16 phone, or similar oral or electronic
17 means; and

18 “(II) is conclusively proved by
19 certification of the Secretary of State
20 or the Secretary’s designee;

21 “(D) a vessel located within the customs
22 waters of the United States; and

23 “(E) a vessel located in the contiguous
24 zone of the United States (as defined in Presi-

1 dential Proclamation 7219, issued on Sep-
2 tember 2, 1999) that—

3 “(i) is entering United States waters;

4 “(ii) has departed United States
5 waters; or

6 “(iii) is a hovering vessel (as defined
7 in section 401 of the Tariff Act of 1930
8 (19 U.S.C. 1401)); and

9 “(4) any property made forfeitable under sec-
10 tion 11.

11 “(b) VESSEL WITHOUT NATIONALITY.—

12 “(1) IN GENERAL.—In this Act, a vessel with-
13 out nationality includes—

14 “(A) a vessel aboard which the master or
15 person in charge makes a claim of registry,
16 which claim is denied by the flag nation whose
17 registry is claimed;

18 “(B) a vessel aboard which the master or
19 person in charge fails, upon request of an offi-
20 cer of the United States empowered to enforce
21 applicable provisions of United States law, to
22 make a claim of nationality or registry for that
23 vessel; and

24 “(C) a vessel aboard which the master or
25 person in charge makes a claim of registry and

1 the claimed nation of registry does not affirma-
2 tively and unequivocally assert that the vessel is
3 of its nationality.

4 “(2) VERIFICATION OR DENIAL.—A claim of
5 registry under subparagraph (A) or (C) of para-
6 graph (1) may be verified or denied by radio, tele-
7 phone, or similar oral or electronic means. The re-
8 sponse by the claimed flag nation is conclusively
9 proved by certification of the Secretary of State or
10 the Secretary’s designee.

11 “(c) CLAIM OF NATIONALITY OR REGISTRY.—In this
12 Act, a claim of nationality or registry is limited to—

13 “(1) possession on board the vessel and produc-
14 tion of documents evidencing the vessel’s nationality
15 in accordance with article 5 of the Convention on the
16 High Seas, done at Geneva on April 29, 1958, and
17 article 91 of the Convention on the Law of the Sea,
18 signed at Montego Bay, Jamaica on December 10,
19 1982;

20 “(2) flying the flag nation’s ensign or flag; or

21 “(3) a verbal claim of nationality or registry by
22 the master or person in charge of the vessel.

23 “(d) APPLICABILITY.—This Act shall not apply to—

24 “(1) warships;

25 “(2) naval auxiliaries;

1 “(3) other vessels—

2 “(A) owned or operated by the United
3 States; and

4 “(B) used only for government non-
5 commercial service, unless the vessel engages in
6 an activity designed to disturb, remove, or in-
7 jure R.M.S. Titanic property; or

8 “(4) any person on board a vessel described in
9 paragraph (1) who is acting in the course of such
10 person’s duties, unless such person engages in an ac-
11 tivity designed to disturb, remove, or injure R.M.S.
12 Titanic property.

13 **“SEC. 6. PROHIBITIONS.**

14 “Except as authorized under section 7, it is unlawful
15 for any person or vessel described in section 5 to—

16 “(1) engage in any activity that disturbs, re-
17 moves, or injures, or attempts to disturb, remove, or
18 injure, R.M.S. Titanic property;

19 “(2) engage in any activity directed at R.M.S.
20 Titanic property located at the wreck site that poses
21 a significant threat to public safety;

22 “(3) engage in any activity that violates any
23 provision of this Act, or any regulation or permit
24 issued under this Act, or any provision of the Rules;

1 “(4) sell, purchase, barter, import, export, or
2 offer to sell, purchase, barter, import, export, in
3 interstate or foreign commerce, R.M.S. Titanic prop-
4 erty not constituting a collection; or

5 “(5) enter, or cause entry by means of any
6 equipment, instrumentality, or other property, into
7 the hull sections of R.M.S. Titanic.

8 **“SEC. 7. PERMITS.**

9 “(a) IN GENERAL.—The Secretary of Commerce may
10 issue a permit for an activity otherwise prohibited under
11 section 6 if the Secretary determines that such activity—

12 “(1) is consistent with the International Agree-
13 ment and Rules; and

14 “(2)(A) furthers educational, scientific, or cul-
15 tural purposes in the public interest; or

16 “(B) is necessary to protect R.M.S. Titanic
17 property from a significant threat.

18 “(b) APPLICABILITY.—This section shall apply to any
19 activities directed at R.M.S. Titanic property, including
20 those authorized before the effective date of this Act by
21 a court of competent jurisdiction.

22 “(c) NOTICE.—Any vessel described in paragraph (2)
23 or (3) of section 5(a) that intends to stop within the zone
24 located within the coordinates of 41°46′00.036588” N,
25 049°53′09.391344” W (Northeast corner);

1 41°46′00.036588″ N, 049°59′51.08136″ W (Northwest
2 corner); 41°41′00.24864″ N, 049°53′09.391344″ W
3 (Southeast corner); 41°41′00.24864″ N,
4 049°59′51.08136″ W (Southwest corner) shall, through
5 its owner or agent, provide prior written notice of the tim-
6 ing and purpose of such intended entry to the Secretary
7 of Commerce in a manner sufficient to allow the Secretary
8 to determine whether a permit is required and whether
9 a permit should be granted.

10 “(d) TERMS AND CONDITIONS.—Any permit issued
11 by the Secretary of Commerce under this section shall con-
12 tain terms and conditions that fully comply with the Rules.

13 “(e) FEES.—The Secretary of Commerce may charge
14 and retain reasonable fees to offset expenses associated
15 with the processing of permit applications and the admin-
16 istration of permits issued under this section. Fees col-
17 lected under this subsection shall be available to cover
18 such costs without further appropriation and shall remain
19 available until expended.

20 “(f) DEADLINES.—

21 “(1) IN GENERAL.—Except as provided under
22 paragraph (2), the Secretary of Commerce shall act
23 on an application for a permit under this section not
24 later than 180 days after the date on which the Sec-
25 retary has determined that the application contains

1 sufficient information for the Secretary to make a
2 decision on the application.

3 “(2) **ADDITIONAL TIME.**—If the Secretary is
4 unable to comply with the deadline under paragraph
5 (1), the Secretary shall provide the applicant with
6 written notification that up to an additional 30 days
7 will be needed to complete the review. Under no cir-
8 cumstances may a complete application remain
9 pending for more than 210 days.

10 “(3) **RULEMAKING.**—The Secretary shall pro-
11 mulgate regulations to—

12 “(A) identify the scientific, technical,
13 logistical, or other documentation or justifica-
14 tion required for the Secretary to make a deci-
15 sion on the application for permit; and

16 “(B) ensure the confidentiality of propri-
17 etary information and data submitted under
18 this section.

19 **“SEC. 8. LIABILITY.**

20 “(a) **LIABILITY TO THE UNITED STATES.**—Any per-
21 son who engages in an activity prohibited under section
22 6 is liable for response costs, direct and indirect enforce-
23 ment costs, and any damages resulting from such activity,
24 including—

1 “(1) the reasonable costs incurred in storage,
2 restoration, care, maintenance, conservation, and
3 curation of R.M.S. Titanic property; and

4 “(2) the cost of retrieving any remaining infor-
5 mation of a scientific, archeological, cultural, or his-
6 torical interest from the site at which R.M.S. Titanic
7 property was disturbed, removed, or injured.

8 “(b) LIABILITY IN REM.—Any vessel (including the
9 vessel’s gear, appurtenances, stores, and cargo), vehicle,
10 aircraft, or other means of transportation, and any money
11 or property used, or intended to be used, to facilitate any
12 violation of this Act or any regulation or permit issued
13 under this Act, shall be liable in rem to the United States
14 for any fine, penalty, or damages assessed or imposed
15 under this Act. The amount of such in rem liability shall
16 constitute a lien and may be recovered in an action in rem
17 in an appropriate district court of the United States.

18 **“SEC. 9. CIVIL ENFORCEMENT.**

19 “(a) PERMIT SANCTION AND CIVIL ADMINISTRATIVE
20 PENALTY.—

21 “(1) IN GENERAL.—Any person who violates
22 any provision of this Act, or any regulation or per-
23 mit issued under this Act—

24 “(A) may be subject to a permit sanction;
25 and

1 “(B) may be assessed a civil administrative
2 penalty by the Secretary of Commerce after no-
3 tice and an opportunity for a hearing.

4 “(2) AMOUNT OF PENALTY.—A penalty as-
5 sessed under paragraph (1)(B) may not exceed
6 \$250,000 per day for each such violation. Each day
7 of a continuing violation shall constitute a separate
8 violation.

9 “(3) ENFORCEMENT OF PENALTY.—Upon fail-
10 ure of the offending party to pay a penalty under
11 this subsection, the Attorney General, upon the re-
12 quest of the Secretary of Commerce, may commence
13 an action in the appropriate district court of the
14 United States to recover such penalty. In such ac-
15 tion, the validity and appropriateness of the final
16 order imposing the civil administrative penalty shall
17 not be subject to review.

18 “(b) CIVIL JUDICIAL PENALTY.—

19 “(1) IN GENERAL.—Any person who violates
20 any provision of this Act, or any regulation or per-
21 mit issued under this Act, shall be subject to a civil
22 penalty not to exceed \$500,000 per day for each
23 such violation. Each day of a continuing violation
24 shall constitute a separate violation.

1 “(2) ENFORCEMENT OF PENALTY.—Upon the
2 request of the Secretary of Commerce, the Attorney
3 General may commence a civil action in an appro-
4 priate district court of the United States. Such court
5 shall have jurisdiction to award civil penalties. In de-
6 termining the amount of a civil penalty, the court
7 may consider such matters as justice may require.

8 “(c) CIVIL ACTION.—Upon the request of the Sec-
9 retary of Commerce, acting as trustee for R.M.S. Titanic
10 property, the Attorney General may institute a civil action
11 in an appropriate district court of the United States to—

12 “(1) recover response costs, direct and indirect
13 enforcement costs, and damages as set forth in sec-
14 tion 8; or

15 “(2) obtain a court order directing any person
16 in possession of R.M.S. Titanic property unlawfully
17 obtained to deliver such R.M.S. Titanic property to
18 the Secretary of Commerce.

19 “(d) IN REM ACTION.—Upon the request of the Sec-
20 retary of Commerce, acting as trustee for R.M.S. Titanic
21 property, the Attorney General may institute an in rem
22 action in an appropriate district court of the United States
23 to—

24 “(1) satisfy a lien referred to in section 8 in an
25 appropriate district court of the United States; or

1 “(2) assume custody of R.M.S. Titanic property
2 unlawfully possessed as a result of a violation of this
3 Act, or any regulation or permit issued under this
4 Act.

5 “(e) INJUNCTIVE RELIEF.—Upon the request of the
6 Secretary of Commerce, the Attorney General may seek
7 to obtain such relief in an appropriate district court of
8 the United States as may be necessary to abate an immi-
9 nent risk of—

10 “(1) the disturbance to, removal of, or injury to
11 R.M.S. Titanic property; or

12 “(2) the sale, purchase, barter, import, or ex-
13 port in interstate or foreign commerce of R.M.S. Ti-
14 tanic property.

15 **“SEC. 10. CRIMINAL ENFORCEMENT.**

16 “(a) IN GENERAL.—Any person who knowingly com-
17 mits any act prohibited under section 6 is guilty of an
18 offense under this Act.

19 “(b) PENALTY.—Any person who is convicted of an
20 offense under this section shall be fined not more than
21 \$250,000 per day of violation, imprisoned for not more
22 than 5 years, or both.

23 **“SEC. 11. SEIZURE AND FORFEITURE.**

24 “(a) AUTHORIZATION.—The provisions of this Act
25 may be enforced by the Secretary of Commerce and the

1 Secretary of Homeland Security, or their respective des-
2 ignees.

3 “(b) DETENTION AND ARREST.—Any person author-
4 ized by the Secretary of Commerce or the Secretary of
5 Homeland Security to enforce this Act may—

6 “(1) detain for inspection and inspect any pack-
7 age, crate, or other container, including its contents,
8 and all accompanying documents, upon importation
9 or exportation and otherwise as permitted by law;

10 “(2) make arrests without a warrant for any
11 violation of this Act if the authorized person has
12 reasonable grounds to believe that the person to be
13 arrested is committing the violation in their presence
14 or view;

15 “(3) execute and serve any arrest warrant, sei-
16 zure warrant, or other warrant or civil or criminal
17 process issued by any officer or court of competent
18 jurisdiction for enforcement of this Act, or any regu-
19 lation or permit issued under this Act; and

20 “(4) search and seize property described in
21 paragraph (1), with or without a warrant, as author-
22 ized by law.

23 “(c) TEMPORARY DISPOSITION OF PROPERTY.—

24 “(1) IN GENERAL.—Any R.M.S. Titanic prop-
25 erty, or other property seized pursuant to subsection

1 (b)(4), shall be held by any person authorized by the
2 Secretary of Commerce or the Secretary of Home-
3 land Security pending disposition of civil or criminal
4 proceedings, administrative forfeiture proceedings,
5 actions in rem for forfeiture of such R.M.S. Titanic
6 property or other property pursuant to this section,
7 or criminal forfeiture proceedings pursuant to this
8 section, as authorized under section 2461(c) of title
9 28, United States Code.

10 “(2) EXCEPTION.—Instead of holding the prop-
11 erty described in paragraph (1), the Secretary of
12 Commerce or the Secretary of Homeland Security
13 may permit the owner or consignee of such property
14 to post a bond or other surety satisfactory to the
15 Secretary of Commerce or the Secretary of Home-
16 land Security.

17 “(d) PROPERTY SUBJECT TO FORFEITURE.—The
18 following property shall be subject to forfeiture to the
19 United States:

20 “(1) Any R.M.S. Titanic property possessed,
21 taken, retained, purchased, sold, bartered, imported,
22 or exported contrary to the provisions of this Act, or
23 any regulation or permit issued under this Act.

24 “(2) Any property, real or personal, that con-
25 stitutes, or is derived from, the proceeds of any vio-

1 lation of this Act, or any regulation or permit issued
2 under this Act.

3 “(3) Any vessel (including the vessel’s gear, ap-
4 purtenances, stores, and cargo), vehicle, aircraft, or
5 other means of transportation and any money or
6 other property used or intended to be used to facili-
7 tate any violation of this Act, or any regulation or
8 permit issued under this Act.

9 “(4) Any property traceable to the property de-
10 scribed in paragraph (1), (2), or (3).

11 “(e) REBUTTABLE PRESUMPTION.—In this section,
12 there is a rebuttable presumption that all R.M.S. Titanic
13 property found on board a vessel that is used or seized
14 in connection with a violation of this Act, or any regulation
15 or permit issued under this Act, was taken or retained
16 in violation of this Act, or a regulation or permit issued
17 under this Act.

18 “(f) FINAL DISPOSITION OF PROPERTY.—Upon for-
19 feiture of any R.M.S. Titanic property or other property
20 to the United States pursuant to this section, or the aban-
21 donment or waiver of any claim to any such property, the
22 property shall be disposed of by the Secretary of Com-
23 merce in such a manner, consistent with the purposes of
24 this Act, as the Secretary shall prescribe by regulation.
25 Any R.M.S. Titanic property ordered forfeited to the

1 United States shall be held in trust by the Secretary of
2 Commerce on behalf of the public and disposed of in a
3 manner consistent with the purposes of this Act. Forfeited
4 R.M.S. Titanic property that does not constitute a collec-
5 tion may not be sold.

6 “(g) CIVIL FORFEITURES.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), the provisions of chapter 46 of title 18,
9 United States Code, relating to civil forfeitures shall
10 extend to any seizure or administrative or civil judi-
11 cial forfeiture under this section to the extent that
12 such provisions are not inconsistent with this Act.

13 “(2) PERFORMANCE OF DUTIES.—Any duties
14 imposed upon the Attorney General, the Secretary of
15 the Treasury, or the Postmaster General shall be
16 performed with respect to seizures and forfeitures of
17 property under this section by such officers, agents,
18 or other persons as may be authorized or designated
19 for that purpose by the Secretary of Commerce or
20 the Secretary of Homeland Security, as appropriate.

21 “(h) CRIMINAL FORFEITURES.—

22 “(1) IN GENERAL.—Any person who is con-
23 victed of an offense under section 10 shall forfeit
24 property to the United States pursuant to this sec-

1 tion, as authorized by section 2461(c) of title 28,
2 United States Code.

3 “(2) PROCEDURES.—The procedures under sec-
4 tion 413 of the Controlled Substances Act (21
5 U.S.C. 853) (except subsection (d) of such section),
6 insofar as such provisions are not inconsistent with
7 this Act, shall apply to—

8 “(A) all stages of a criminal forfeiture of
9 property under this section, including any sei-
10 zure and disposition of such property; and

11 “(B) any administrative or judicial pro-
12 ceeding in relation to such forfeiture.

13 **“SEC. 12. DISPOSITION OF MONIES RECOVERED.**

14 “(a) IN GENERAL.—Notwithstanding any other pro-
15 vision of law, any monies collected under sections 8, 9,
16 10, and 11, either directly or through the sale of forfeited
17 property, after payment of related expenses—

18 “(1) are authorized to be paid into 1 or more
19 special accounts of the Department of the Treasury;
20 and

21 “(2) shall be used by the Secretary of Com-
22 merce for—

23 “(A) conservation of Titanic artifacts re-
24 covered pursuant to an enforcement action;

1 “(b) AUTHORITY TO UTILIZE GRANT FUNDS.—The
2 Secretary of Commerce—

3 “(1) except as provided in paragraph (2), may
4 apply for, accept, and obligate research grant fund-
5 ing from any Federal source operating competitive
6 grant programs if such funding furthers the pur-
7 poses of this Act;

8 “(2) may not apply for, accept, or obligate any
9 grant funding under paragraph (1) if—

10 “(A) the granting agency is not authorized
11 to award grants to Federal agencies; or

12 “(B) the grant will be used for any pur-
13 poses, or will be subject to any conditions, that
14 are prohibited by law or regulation;

15 “(3) may use amounts appropriated for the
16 purpose of this Act to satisfy a requirement to
17 match grant funds with recipient agency funds, ex-
18 cept that no grant may be accepted that requires a
19 commitment before such amounts are appropriated;
20 and

21 “(4) shall deposit grant funds in the National
22 Oceanic and Atmospheric Administration account
23 that serves to accomplish the purpose for which the
24 grant was awarded.

1 **“SEC. 15. MONITORING AUTHORIZATION.**

2 “In order to carry out the purposes of this Act, the
3 Secretary of Commerce may—

4 “(1) monitor the wreck site of R.M.S. Titanic;
5 and

6 “(2) conduct such monitoring in coordination
7 with the personnel, services, and facilities of other
8 Federal departments, agencies, or instrumentalities
9 on a reimbursable or nonreimbursable basis.

10 **“SEC. 16. RULEMAKING.**

11 “The Secretary of Commerce is authorized to promul-
12 gate regulations to implement this Act, including, as nec-
13 essary, regulations providing for the issuance of permits
14 under section 7. Such regulations shall be consistent with
15 the International Agreement and Rules.

16 **“SEC. 17. RELATIONSHIP TO OTHER LAWS.**

17 “(a) LIABILITY.—Nothing in sections 4281 through
18 4289 of the Revised Statutes of the United States or sec-
19 tion 3 of the Act of February 13, 1893, shall limit the
20 liability of any person under this Act.

21 “(b) SEIZURE AND FORFEITURE OF PROPERTY.—
22 Nothing in this Act may be construed to affect the seizure
23 and forfeiture of property, including R.M.S. Titanic prop-
24 erty, under the customs laws of the United States, or the
25 issuance of penalties under such laws.

1 “(c) INTERNATIONAL AGREEMENTS.—This Act and
2 any implementing regulations shall be applied in accord-
3 ance with applicable law, including treaties, conventions,
4 and other international agreements to which the United
5 States is a party.

6 “(d) FREEDOMS OF THE HIGH SEAS.—Except to the
7 extent that an activity is undertaken as a subterfuge for
8 activities prohibited under this Act, nothing in this Act
9 is intended to affect the exercise of traditional freedoms
10 of the high seas, including—

11 “(1) navigation;

12 “(2) the laying of submarine cables and pipe-
13 lines;

14 “(3) operation of vessels;

15 “(4) fishing; or

16 “(5) other internationally lawful uses of the sea
17 related to such freedoms.

18 “(e) SEVERABILITY.—Each provision of this Act is
19 severable. If a court of competent jurisdiction should find
20 any provision of this Act to be unenforceable, all other
21 provisions shall remain in full force and effect.

22 “(f) SALVAGE RIGHTS.—An order granting salvage
23 rights to R.M.S. Titanic by a court of competent jurisdic-
24 tion prior to the effective date of this Act shall not exempt
25 any person from complying with this Act or any regulation

1 or permit issued under this Act. Without prejudice to the
2 orders of a United States Court of competent jurisdiction,
3 issued in reference to the entity known as ‘RMS Titanic,
4 Inc.’, prior to the effective date of this legislation (the sta-
5 tus of such orders to be unaffected by this legislation),
6 no person may obtain salvage rights to R.M.S. Titanic or
7 R.M.S. Titanic property, after the effective date of this
8 Act, except by an assignment or transfer of existing rights
9 or through the orders of a United States Court of com-
10 petent jurisdiction issued in reference to the entity known
11 as ‘R.M.S. Titanic, Inc.’.

12 “(g) LAW OF FINDS.—The law of finds shall not
13 apply to R.M.S. Titanic or R.M.S. Titanic property.

14 “(h) COLLECTION MANAGEMENT.—Each collection
15 shall be managed and maintained in accordance with the
16 Rules.

17 **“SEC. 18. STATUTE OF LIMITATIONS.**

18 “No civil action may be brought, and no criminal
19 prosecution may be commenced, by the United States to
20 enforce this Act, or any regulation or permit issued under
21 this Act, after the date that is 8 years after the date on
22 which—

23 “(1) all facts material to the right of action or
24 offense are known by the Secretary of Commerce;
25 and

1 “(2) jurisdiction can be exercised over the de-
2 fendant.

3 **“SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

4 “‘There are authorized to be appropriated to the Sec-
5 retary \$1,000,000 for each of the fiscal years 2012
6 through 2016 to carry out this Act, which shall remain
7 available until expended.’”.

8 **SEC. 605. EFFECTIVE DATE.**

9 The amendments made by this title shall take effect
10 on the date of the enactment of this Act.

11 **TITLE VII—AUTHORIZATION OF**
12 **APPROPRIATIONS**

13 **Subtitle A—Department of State**

14 **SEC. 701. ADMINISTRATION OF FOREIGN AFFAIRS.**

15 (a) IN GENERAL.—The amounts set forth in this sec-
16 tion are authorized to be appropriated under “Administra-
17 tion of Foreign Affairs” for the Department of State to
18 carry out the authorities, functions, duties, and respon-
19 sibilities in the conduct of foreign affairs of the United
20 States, and for other purposes authorized by law.

21 (b) DIPLOMATIC AND CONSULAR PROGRAMS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated for fiscal year 2012, for “Diplomatic
24 and Consular Programs”, \$11,893,457,000, of
25 which—

1 (A) \$1,700,584,000 is authorized to be ap-
2 propriated for worldwide security protection;
3 and

4 (B) \$536,475,000 is authorized to be ap-
5 propriated for public diplomacy.

6 (2) TRANSFERS.—

7 (A) TO EMERGENCIES ACCOUNT.—Of the
8 amounts authorized to be appropriated under
9 paragraph (1), up to \$10,000,000 may be
10 transferred to, and merged with amounts in,
11 the “Emergencies in the Diplomatic and Con-
12 sular Service Account”.

13 (B) FROM EMERGENCIES ACCOUNT.—Of
14 the amounts authorized to be appropriated for
15 fiscal year 2012 for the “Emergencies in the
16 Diplomatic and Consular Service Account”, up
17 to \$1,000,000 may be transferred to, and
18 merged with amounts in, the “Repatriation
19 Loans Program Account”.

20 (c) CAPITAL INVESTMENT FUND.—There is author-
21 ized to be appropriated \$125,000,000 for fiscal year 2012
22 for the “Capital Investment Fund”.

23 (d) EMBASSY SECURITY, CONSTRUCTION, AND MAIN-
24 TENANCE.—There is authorized to be appropriated for fis-
25 cal year 2012—

1 (1) \$863,317,000 for ongoing operations; and

2 (2) \$938,200,000 for worldwide security up-
3 grades.

4 (e) CONFLICT STABILIZATION OPERATIONS.—There
5 is authorized to be appropriated \$92,200,000 for fiscal
6 year 2012 for “Conflict Stabilization Operations”.

7 (f) EDUCATIONAL AND CULTURAL EXCHANGE PRO-
8 GRAMS.—There is authorized to be appropriated for fiscal
9 year 2012, for “Educational and Cultural Exchange Pro-
10 grams”, \$637,100,000, of which—

11 (1) \$750,000 may be used to carry out the Ti-
12 betan scholarship program established under section
13 103(b)(1) of the Human Rights, Refugee, and Other
14 Foreign Relations Provisions Act of 1996 (Public
15 Law 104–319); and

16 (2) \$650,000 may be used for the “Ngawang
17 Choepel Exchange Programs” (formerly known as
18 “programs of educational and cultural exchange be-
19 tween the United States and the people of Tibet”)
20 under section 103(a) of such Act.

21 (g) REPRESENTATION ALLOWANCES.—There is au-
22 thorized to be appropriated \$8,175,000 for fiscal year
23 2012 for “Representation Allowances”.

24 (h) PROTECTION OF FOREIGN MISSIONS AND OFFI-
25 CIALS.—There is authorized to be appropriated

1 \$27,744,000 for fiscal year 2012 for “Protection of For-
2 eign Missions and Officials”.

3 (i) EMERGENCIES IN THE DIPLOMATIC AND CON-
4 SULAR SERVICE.—There is authorized to be appropriated
5 \$10,000,000 for fiscal year 2012 for “Emergencies in the
6 Diplomatic and Consular Service”.

7 (j) REPATRIATION LOANS.—There is authorized to
8 be appropriated \$1,800,000 for fiscal year 2012 for “Re-
9 patriation Loans”.

10 (k) PAYMENT TO THE AMERICAN INSTITUTE IN TAI-
11 WAN.—There is authorized to be appropriated
12 \$23,320,000 for fiscal year 2012 for “Payment to the
13 American Institute in Taiwan”.

14 (l) OFFICE OF THE INSPECTOR GENERAL.—There is
15 authorized to be appropriated for fiscal year 2012, for
16 “Office of the Inspector General”, \$128,086,000, of
17 which—

18 (1) \$18,545,000 is authorized to be appro-
19 priated for the Special Inspector General for Iraq
20 Reconstruction; and

21 (2) \$44,387,000 is authorized to be appro-
22 priated for the Special Inspector General for Af-
23 ghanistan Reconstruction.

24 (m) FISCAL YEAR 2013.—There are authorized to be
25 appropriated for fiscal year 2013 such sums as may be

1 necessary for the programs, funds, activities, and other
2 financial instruments set forth in subsections (b) through
3 (l).

4 **SEC. 702. INTERNATIONAL ORGANIZATIONS AND CON-**
5 **FERENCES.**

6 (a) **ASSESSED CONTRIBUTIONS TO INTERNATIONAL**
7 **ORGANIZATIONS.**—There is authorized to be appropriated
8 for fiscal year 2012, for “Contributions to International
9 Organizations”, \$1,619,400,000 to carry out—

10 (1) the authorities, functions, duties, and re-
11 sponsibilities in the conduct of the foreign affairs of
12 the United States with respect to international orga-
13 nizations; and

14 (2) other authorized activities relating to such
15 purposes.

16 (b) **CONTRIBUTIONS FOR INTERNATIONAL PEACE-**
17 **KEEPING ACTIVITIES.**—There is authorized to be appro-
18 priated for fiscal year 2012, for “Contributions for Inter-
19 national Peacekeeping Activities”, \$1,920,000,000,
20 which—

21 (1) shall be used to carry out—

22 (A) the authorities, functions, duties, and
23 responsibilities of the United States with re-
24 spect to international peacekeeping activities;
25 and

1 (B) other authorized activities relating to
2 such purposes; and

3 (2) shall remain available until expended.

4 (c) FOREIGN CURRENCY EXCHANGE RATE.—

5 (1) IN GENERAL.—In addition to amounts au-
6 thorized to be appropriated under this section, there
7 are authorized to be appropriated such sums as may
8 be necessary for fiscal year 2012 to offset adverse
9 fluctuations in foreign currency exchange rates.

10 (2) LIMITATION.—Amounts appropriated pur-
11 suant to this subsection shall be available for obliga-
12 tion and expenditure only to the extent that the Di-
13 rector of the Office of Management and Budget de-
14 termines and certifies to Congress that such
15 amounts are necessary due to the fluctuations de-
16 scribed in paragraph (1).

17 (d) FISCAL YEAR 2013.—There are authorized to be
18 appropriated for fiscal year 2013 such sums as may be
19 necessary for the contributions described in subsections
20 (a) and (b).

21 **SEC. 703. INTERNATIONAL COMMISSIONS.**

22 (a) IN GENERAL.—The amounts set forth in this sec-
23 tion are authorized to be appropriated under “Inter-
24 national Commissions” for the Department of State to
25 carry out the authorities, functions, duties, and respon-

1 sibilities in the conduct of the foreign affairs of the United
2 States with respect to international commissions and for
3 other purposes authorized by law:

4 (b) INTERNATIONAL BOUNDARY AND WATER COM-
5 MISSION, UNITED STATES AND MEXICO.—There are au-
6 thorized to be appropriated for fiscal year 2012, for
7 “International Boundary and Water Commission, United
8 States and Mexico”—

9 (1) \$45,591,000 for “Salaries and Expenses”;

10 and

11 (2) \$31,900,000 for “Construction”.

12 (c) INTERNATIONAL BOUNDARY COMMISSION,
13 UNITED STATES AND CANADA.—There is authorized to
14 be appropriated \$2,422,000 for fiscal year 2012 for
15 “International Boundary Commission, United States and
16 Canada”.

17 (d) INTERNATIONAL JOINT COMMISSION.—There is
18 authorized to be appropriated \$7,237,000 for fiscal year
19 2012 for “International Joint Commission”.

20 (e) INTERNATIONAL FISHERIES COMMISSIONS.—
21 There is authorized to be appropriated \$31,291,000 for
22 fiscal year 2012 for “International Fisheries Commis-
23 sions”.

24 (f) FISCAL YEAR 2013.—There are authorized to be
25 appropriated for fiscal year 2013 such sums as may be

1 necessary for the international commissions referred to in
2 subsections (b) through (e).

3 **SEC. 704. MIGRATION AND REFUGEE ASSISTANCE.**

4 (a) **MIGRATION AND REFUGEE ASSISTANCE.**—There
5 is authorized to be appropriated for fiscal year 2012, for
6 authorized activities for “Migration and Refugee Assist-
7 ance”, \$1,613,100,000—

8 (1) of which \$25,000,000 may be used for the
9 resettlement of humanitarian migrants to Israel; and

10 (2) which shall remain available until expended.

11 (b) **EMERGENCY REFUGEE AND MIGRATION ASSIST-**
12 **ANCE ACCOUNT.**—Section 2(c)(2) of the Migration and
13 Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2))
14 is amended by striking “\$100,000,000” and inserting
15 “\$200,000,000.”.

16 (c) **UNITED STATES EMERGENCY REFUGEE AND MI-**
17 **GRATION ASSISTANCE.**—There is authorized to be appro-
18 priated \$40,000,000 for fiscal year 2012 for “U.S. Emer-
19 gency Refugee and Migration Assistance”.

20 (d) **FISCAL YEAR 2013.**—There are authorized to be
21 appropriated for fiscal year 2013 such sums as may be
22 necessary for the migration and refugee assistance pur-
23 poses referred to in subsections (a) through (c).

1 **SEC. 705. CENTERS AND FOUNDATIONS.**

2 (a) ASIA FOUNDATION.—There is authorized to be
3 appropriated \$19,000,000 for fiscal year 2012 to carry
4 out authorized activities for “The Asia Foundation”.

5 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—
6 There is authorized to be appropriated \$105,000,000 for
7 fiscal year 2012 to carry out authorized activities for “Na-
8 tional Endowment for Democracy”.

9 (c) CENTER FOR CULTURAL AND TECHNICAL INTER-
10 CHANGE BETWEEN EAST AND WEST.—There is author-
11 ized to be appropriated \$11,400,000 for fiscal year 2012
12 to carry out authorized activities for “Center for Cultural
13 and Technical Interchange Between East and West”.

14 (d) FISCAL YEAR 2013.—There are authorized to be
15 appropriated for fiscal year 2013 such sums as may be
16 necessary for the centers and foundations referred to in
17 subsections (a) through (c).

18 **Subtitle B—United States Inter-**
19 **national Broadcasting Activities**

20 **SEC. 711. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out
22 United States Government international broadcasting ac-
23 tivities under the United States Information and Edu-
24 cational Exchange Act of 1948, the Radio Broadcasting
25 to Cuba Act, the Television Broadcasting to Cuba Act, the
26 United States International Broadcasting Act of 1994,

1 and the Foreign Affairs Reform and Restructuring Act of
2 1998, and to carry out other authorities in law related
3 to such purposes—

4 (1) for “International Broadcasting Oper-
5 ations”—

6 (A) \$754,261,000 for fiscal year 2012; and

7 (B) such sums as may be necessary for fis-
8 cal year 2013; and

9 (2) for “Broadcasting Capital Improvements”—

10 (A) \$12,769,000 for fiscal year 2012; and

11 (B) such sums as may be necessary for fis-
12 cal year 2013.

13 **Subtitle C—Peace Corps**

14 **SEC. 721. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 3(b)(1) of the Peace Corps Act (22 U.S.C.
16 2502(b)(1)) is amended to read as follows:

17 “(1) There is authorized to be appropriated to
18 carry out the purposes of this chapter—

19 “(A) \$439,600,000 for fiscal year 2012;
20 and

21 “(B) such sums as may be necessary for
22 fiscal year 2013.”.

1 **Subtitle D—Other Provisions**

2 **SEC. 731. RELATIONSHIP TO OTHER LAWS.**

3 Nothing in this Act may be construed as affecting,
4 in any way, existing statutory prohibitions related to abor-
5 tion or existing statutory prohibitions on the use of funds
6 to lobby for or against abortion.

○