



July 19, 2011

BASE TEXT SECTION-BY-SECTION SUMMARY

of

H.R. 2583:

THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2012

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Section 101. Administration of Foreign Affairs.

This section authorizes certain appropriations under the heading ‘Administration of Foreign Affairs’ for Fiscal Year 2012 (“FY12”) at levels equal to those resulting from Public Law 112-10, the enacted, bipartisan Continuing Resolution for Fiscal Year 2011 (“FY11 CR”). It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, implementation of consular programs and their border security components, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service. These expenses include: an authorization of appropriations for personnel costs; worldwide security protection; information technology systems; the construction, maintenance, and security of U.S. embassies and overseas facilities; educational and cultural exchange programs; conflict stabilization operations; representational allowances; protection of foreign missions and officials (funded at the Administration’s FY12 request level, lower than the FY11 CR); emergencies in the diplomatic and consular service; repatriation loans; payment to the American Institute in Taiwan; and for the Office of the Inspector General.

Section 102. International Organizations.

This section authorizes \$1,581,815,000 in FY12 for U.S. assessed contributions to the United Nations and other international organizations of which the United States is a member (at the FY11 CR level, which is approximately \$100 million below FY10 actual

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levels, and less than the FY12 request), including not more than \$44.2 million to the Organization of American States.

Section 103. Contributions for International Peacekeeping Activities.

This section re-asserts the statutory 25% cap on United States contributions for international peacekeeping activities, consistent with section 404(b)(2)(A) of P.L. 103-236. It then authorizes \$1,735,382,277 in FY12 to enable the United States to pay assessed contributions for United Nations peacekeeping operations and two United Nations war crimes tribunals. A reduction of \$148,548,723 from the FY11 CR level is attributable to the 25% cap.

Sec. 104. International Commissions.

This section authorizes funding for FY12 to enable the U.S. to meet its obligations as a participant in international commissions dealing with boundaries, water resources, and related matters with Canada and Mexico; and those dealing with international fisheries. Paragraph (1) authorizes the FY11 CR levels for “International Boundary and Water Commission, United States and Mexico” (\$43.3 million for salaries and expenses; \$26.5 million for construction). Paragraphs (2) through (4) authorize the Administration requested levels for FY12. (See also the section 404 reporting requirement, to improve transparency regarding the operations and usefulness of these commissions.)

Sec. 105. Migration and Refugee Assistance.

This section authorizes appropriations for the Department of State to make contributions to protect vulnerable refugees and displaced persons, including through contributions to international and nongovernmental organizations, as well as bilateral assistance. Subsection (a) authorizes \$1.69 billion (the FY11 CR level, approximately \$168 million below FY10 actual levels) for ‘Migration and Refugee Assistance’ for authorized activities for Fiscal Year 2012, while subsection (b) states that \$25,000,000 of those funds authorized in Subsection (a) are for ‘Refugee Resettlement in Israel.’

Sec. 106. National Endowment for Democracy.

This section authorizes \$118 million (the FY11 CR level) for the National Endowment for Democracy in FY12.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Transfer of inspections back to the Secretary of State.

As an outgrowth of Committee oversight and investigations into Inspector General activities, including a hearing on the State Department’s Office of the Inspector General, as well as recommendations from the Government Accountability Office, this section

shifts the responsibility for post inspections (a less exacting, questionnaire-driven look at post management) back to State Department management (which used to conduct those inspections), so that the State IG can focus its resources and energies on the audits and investigations that constitute the traditional, forensic work of a statutory IG. The section removes a prior, statutory requirement on the frequency of inspections, which is routinely waived in annual appropriations bills.

Sec. 202. International Litigation Fund.

This section corrects an oversight in the 2002 authorization to replenish the International Litigation Fund (which is used to defray the expenses of the United States in major international litigation before international tribunals, such as trade arbitrations), by allowing the department to retain a small percentage of the awards received for international claims successfully prosecuted by the Department (rather than having to re-capitalize the ILF with U.S. taxpayer funds). This revision also allows the fund to be replenished from cases where the Department has successfully defended the U.S. and been awarded costs and attorneys' fees.

Sec. 203. Actuarial valuations.

This section transfers statutory responsibility for performing actuarial duties related to the State Department's retirement systems from the Treasury Department to the State Department (which provides all of the data for those actuarial valuations, and is most knowledgeable about its own systems) thus increasing the efficiency and cost-effectiveness of that function. The section also authorizes the Secretary of State, subject to amounts provided in advance in appropriations acts, to use monies in the Foreign Service Retirement and Disability Fund to cover the costs of administering those systems.

Sec. 204. Special agents.

This section amends the State Department Basic Authorities Act to make clear that Foreign Service special agents possess the authority to investigate identity theft and document fraud, as well as federal offenses committed at U.S. diplomatic posts and residences overseas.

Sec. 205. Diplomatic security program contracting.

This section grants the Department discretion to award local guard and protective service contracts in high risk areas (such as Afghanistan and Iraq) on the basis of "best value to the Government" (according to a defined, regulatory process) rather than having to go with the lowest price bid. Because lowest-price bidders typically offer their employees minimal training, wages, and benefits, it has previously led (in certain well-publicized situations) to poorly trained guard forces with low morale and high turnover that have undermined the effectiveness of the guard force at those critical, high risk posts.

Sec. 206. Statement of policy on existing United States understandings with Israel.

This section states that it shall be the policy of the United States to uphold and act in accordance with all of the reassurances provided by the President in an April 14, 2004, letter to the Prime Minister of Israel.

Sec. 207. Recognition of Jerusalem as the capital of the State of Israel and relocation of the United States Embassy to Jerusalem.

This section states that all official documents of the United States will have Jerusalem as the Capital of Israel. It also provides for the expiration of waiver authority under the Jerusalem Embassy Act as of January 1, 2014, and requires the United States to move its embassy to Jerusalem no later than that date.

Subtitle B—Consular Services and Related Matters

Sec. 211. Extension of authority to assess passport surcharge.

The Passport Services Enhancement Act of 2005 (P.L. 109-167) amended the Passport Act to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) (IRTPA). This section would *temporarily* extend that authority through 2015 (unlike the permanent authority proposed in the House-passed bill last Congress).

Sec. 212. Tibet.

Subsection (a) amends the Tibetan Policy Act of 2002 by stipulating more comprehensive policy coordination on Tibet issues, both with other governments in multilateral efforts and within the United States Government under the supervision of the National Security Council, which is to assure intercommunication between all executive branch agencies in contact with the Government of the People's Republic of China.

As an outgrowth of the Committee's June 2nd hearing on implementation of the Tibetan Policy Act, subsection (b) calls upon the Secretary of State to establish a Tibet Section within the U.S. Embassy in Beijing and calls upon the Secretary of State to seek to establish a United States consulate in Lhasa, Tibet, stipulating that, until such a consulate is established, the Secretary shall not permit the establishment in the United States of any additional consulate of the People's Republic of China.

As a further result of that June 2nd hearing, subsection (c) amends section 620(b) of the Tibetan Policy Act to include the reincarnation system of Tibetan Buddhism as an issue of religious freedom.

Sec. 213. Maintenance cost sharing program.

This section amends the Capital Security Cost Sharing Program (which requires non-State agencies with a personnel presence at overseas posts to contribute funds for their share of the cost of building new, secure diplomatic facilities overseas) so that State can also recoup the proportional costs for maintaining and renovating such facilities from

those agencies. By requiring agencies to pay their fair share, it creates incentives for agencies to right-size their overseas presence.

Sec. 214. Border crossing card fee for minors.

This section would change the charge for a machine-readable U.S. border crossing ID card for Mexican children (under the age of 15) from the current flat fee of \$13 (set in the FY 1999 State appropriations bill, back when normal machine-readable visa (MRV) fees were only \$20) to a fee equal to half of the fee that would otherwise apply today (normal MRV fees are now \$140, due to increased border security, fraud prevention, information systems, and consular staffing implemented over the past decade). This would allow the Department to recoup from those foreign applicants a greater proportion of the actual costs incurred in providing that service.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

Sec. 301. Suspension of Foreign Service members without pay.

This section grants the Secretary the discretion to suspend without pay a Foreign Service Officer credibly accused of a crime. This would prevent the Department from being forced to pay an employee who, for example, has been indicted and is being incarcerated pending trial. At present, no administrative action can be taken before such an employee has been convicted.

Sec. 302. Repeal of recertification requirement for Senior Foreign Service.

This section would repeal section 305(d) of the Foreign Service Act, which had required the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) equivalent to the recertification process for the Senior Executive Service (SES). The Homeland Security Act of 2002 repealed recertification requirements for SES employees based on the assessment that they did not serve a useful purpose (while imposing additional bureaucratic costs).

Sec. 303. Limited appointments in the Foreign Service.

This section amends section 309 of the Foreign Service Act of 1980 to provide new authority to extend ‘limited appointments’ in the Foreign Service. Section 309 currently provides that limited (non-career) appointments may not exceed 5 years in duration and may not be extended or renewed except under limited exceptions.

Sec. 304. Limitation of compensatory time off for travel.

This section adds a new subsection (c) to 5 U.S.C. 5550b limiting the accrual of compensatory time off for travel status away from the employee's official duty station to a maximum of 104 hours (13 days). This 104-hour limitation is equivalent to standard yearly sick leave in the civil service.

TITLE IV-FOREIGN ASSISTANCE

Section 401. Goals of United States assistance.

This section provides a number of findings noting that foreign assistance alone is not sufficient to help developing countries achieve long-term, sustainable growth; private sector-led trade and investment are fundamental components of economic development and growth; and how the United States Agency for International Development's Global Development Alliance program characterizes the rising importance of private resources and private actors through the establishment of public-private partnerships for economic advancement of impoverished countries.

It further states that it shall be the policy of the United States to: (1) emphasize the development of such partnerships between governments and organizations in the private sector in the approach and distribution of foreign assistance; and (2) focus United States assistance programs on achieving economic growth and graduating United States aid recipients into a trade-based relationship with the United States.

Section 402. United States Agency for International Development.

This section authorizes not more than \$1,521,900,000 for Fiscal Year 2012 for United States Agency for International Development's Operating Expenses, Capital Investment Fund, and Office of the Inspector General. This tracks the final Fiscal Year 2011 Continuing Resolution level, which is \$222,100,000 less than the Fiscal Year 2012 request.

Section 403. Bilateral Economic Assistance.

This section authorizes not more than \$21,208,900,000 to be appropriated to the President for Fiscal Year 2012 for bilateral economic development assistance. This meets the final Fiscal Year 2011 Continuing Resolution level, which is approximately \$3,800,000,000 less than Fiscal Year 2010 levels, and less than the Fiscal Year 2012 request of approximately \$23,700,000,000.

Section 404. Microfinance and microenterprise programs.

This section states that: (1) access to financial markets is essential to economic growth; (2) microfinance and microenterprise programs have been successful in creating and expanding economic opportunities by providing, among other things, access to financial markets and services to poor and vulnerable populations, particularly women and the rural poor; (3) microfinance helps improve economic welfare in poor households, and has been shown to raise borrower income, stimulate the growth of the borrower's business, and generate employment; and (4) the United States should support, wherever possible and appropriate, microfinance and microenterprise development and programs to help generate stable economic growth in developing countries.

Section 405. Development credit authority.

This section states that: (1) access to financial services for underserved populations and sectors in developing countries is essential to expanding economic opportunities for poor households and small businesses; (2) the Development Credit Authority has proven to be a vital and effective tools in bolstering microenterprise development in impoverished. It further authorizes, of funds in the Bilateral Economic Assistance account, not more than \$8,300,000 to be appropriated to the President for Fiscal Year 2012 for administrative expenses for the United States Agency for International Development's Development Credit Authority program (at the CR FY2011 level, which is equal to the Fiscal Year 2012 request.)

Section 406. Millennium Challenge Corporation.

This section authorizes not more than \$900,000,000 of funds in the Bilateral Economic Assistance account, to be appropriated to the President for the Millennium Challenge Corporation for Fiscal Year 2012. (At the CR FY2011 level, which is approximately \$205,000,000 less than Fiscal Year 2010 levels, and \$225,100,000 less than the Fiscal Year 2012 request.)

This section also amends Section 606 of the Millennium Challenge Act to establish that any candidate country whose per capita income changes in a given fiscal year between "low income" or "lower middle income," should retain its candidacy at the former income category only for the year of such transition.

Section 407. Prohibition on assistance to countries that fail to meet the Millennium Challenge Corporation's Corruption Performance Indicator.

This section prohibits the United States from providing any economic or development assistance to the government of a country that does not meet the corruption performance indicator of the Millennium Challenge Corporation. The President may waive the restriction on a case-by-case basis for a period of not more than 6 months if the President determines that such a waiver is important to United States national security interests and if provides to appropriate congressional committees at least 15 days prior to exercising the waiver a report on concrete steps that the recipient country has undertaken to meet corruption benchmarks and on United States implementation and enforcement of end-use monitoring mechanisms.

Section 408. Democracy Fund.

This section authorizes not more than \$115,000,000 to be appropriated to the President for the Democracy Fund for Fiscal Year 2012 for the promotion of democracy globally (at the CR level, which is approximately \$5,000,000 less than Fiscal Year 2010 levels).

Section 409. Report on aid commitments and disbursements by other donors and international organizations.

In an effort to avoid duplication of efforts and improve the allocation and efficiency of United States assistance funds, this section amends Section 634 of the Foreign Assistance

Act of 1961 to require the President to submit to the appropriate congressional committees, at the time in which the President submits the annual budget, a report providing the most up-to-date and detailed information on aid commitments and disbursements by other donors and international organizations to countries in regions for which the President is seeking United States assistance funds.

Section 410. Transfer of liquidated assets of certain Enterprise Funds to the United States Treasury.

This section states that the President, acting through the Administrator of the United States Agency for International Development, should transfer to the Treasury of the United States for purposes of payment on the public debt not less than 50 percent of all assets from the liquidation, dissolution, or winding up of Enterprise Funds.

Section 411. Limitation on funds for United States Agency for International Development's Office of Budget and Resource Management.

This section states that it shall be the policy of the United States to reduce the replication of United States foreign assistance programs by seeking to consolidate budget authorities and policy planning for all United States foreign assistance within one office at the Department of State that shall complete both budgets for the Department of State and the United States Agency for International Development.

This section prohibits funds authorized under this Act to be used to support the costs of maintaining the Office of Budget and Resource Management of the United States Agency for International Development.

In addition, it requires that not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that contains a feasibility study and strategy to: (1) eliminate duplicative bureaus, offices, and positions and to consolidate such bureaus, offices and positions, as necessary and appropriate. Matters to be included are a cost estimate for the establishment of additional bureaus and offices of the Department of State and the United States Agency for International Development, as requested by the Secretary of State in the recent Quadrennial Diplomacy and Development Review, with any cost offsets created by the elimination of existing bureaus, offices and positions.

Section 412. Preventing taxpayer funding for foreign organizations that promote or perform abortion.

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

Section 413. Sense of Congress relating to microenterprise development assistance to sub-Saharan Africa.

This section expresses the sense of Congress that the United States Agency for International Development should seek to increase the reach, impact, and effectiveness of microenterprise development assistance in sub-Saharan Africa; adhere to the statutory requirement to direct at least 50% of such assistance to the very poor; and improve poverty assessment tools in an effort to better assist in the management and outreach of partner organizations to the very poor.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING

Sec. 501. Authorization of appropriations for international broadcasting.

This section authorizes \$741.5 million for International Broadcasting Operations and \$6.875 million for Broadcasting Capital Improvements for FY12, amounts equal to FY11 CR levels (which, taken together, are approximately \$19 million below the President's FY12 request and \$10 million below FY10 actual levels).

Sec. 502. Personal services contracting program.

This section extends through 2014 the authority of the Broadcasting Board of Governors (BBG) to employ up to 60 personal services contractors, a pilot authority that BBG has used to respond to needs for surge broadcasts in priority areas (such as the Urdu, Dari, and Pashto services) without having to make a longer-term investment in full-time, career employees.

Sec. 503. Employment for international broadcasting.

This section clarifies BBG has the authority to hire a non-citizen when no equally or better qualified U.S. citizens are available to fill the post in question. The United States Information and Exchange Act of 1948 provides authority for the BBG to employ non-citizens to carry out its broadcast mission. Voice of America research indicates that audiences are more likely to tune in to programs where the vernacular language is spoken with native fluency, and when the program content demonstrates a strong understanding of current local political and institutional developments. In many cases, well-qualified U.S. citizens fulfill these requirements. In other instances, however, the agency will employ a non-citizen who is better qualified. While the agency for more than 20 years has interpreted this section as providing flexibility to hire the best qualified applicant, some have attempted to claim that the statute requires the agency to give employment preference to U.S. citizens, even if a better qualified applicant, who is a non-citizen, is available. The section clarifies BBG employment authorities.

Sec. 504. Technical Amendment on Civil Immunity for Board Members.

The U.S. International Broadcasting Act establishes that all limitations on personal liability that apply to members of the Broadcasting Board of Governors also apply when they are acting in their capacities as board members of BBG's individual broadcast services. This section adds the Middle East Broadcasting Networks (established after the enactment of that statute) to that list of broadcast services.

TITLE VI—REPORTING REQUIREMENTS

Sec. 601. Reporting reform.

Over past decades, numerous statutes have created specific State Department reporting requirements in perpetuity, by failing to include a sunset date, leading to the accretion of costly reporting requirements that, over time, have become duplicative (of other required reporting), irrelevant (due to changed circumstances), and unused by Congress. This section would repeal 15 such discrete requirements (out of 41 such repeals suggested by the State Department) that either duplicate other reports, present information that is available more readily and cheaply from other sources, or have been rendered irrelevant by changed circumstances:

- (a) Section 560(g) of P.L. 103-87 (*Newly Independent States territorial integrity*);
- (b) Section 605(c) of App. G, P.L. 106-113 (*building acquisition & security upgrades*);
- (c) Section 104 of P.L. 102-511 (*U.S. assistance to former Soviet Union*);
- (d) Section 704(c) of P.L. 101-179 (*Support for East European Democracy*);
- (e) Section 1012(c) of P.L. 103-337 (*interdiction of drug trafficking aircraft*);
- (f) Subsections (c)(4) and (c)(5) of section 604 of P.L. 96-465 (*workforce planning*);
- (g) Section 585 in the matter under section 101(c) of Div. A of P.L. 104-208 (*DPRK fuel use and deployment*);
- (h) Sections 694(a) , 694(b) , 704 , and 1321 of P.L. 107-228 (*Colombia activities & counternarcotics; German Foundation; Russian Federation Debt Reduction*);
- (i) Section 133(d) of P.L. 87-195 (*good governance programs*);
- (j) Section 11(b) of P.L. 107-245 (*Sudan war crimes*);
- (k) Section 514(a) of P.L. 103-236 (*Partnership for Peace*); and
- (l) Section 807 of P.L. 98-164 (*Soviet-Eastern European Studies Advisory Committee*).

Sec. 602. Diplomatic relations with Israel.

This section contains a reporting requirement with respect to United States efforts to assist Israel in its efforts to establish and enhance its diplomatic relations with other responsible countries and in appropriate multilateral fora.

TITLE VII—PROLIFERATION SECURITY INITIATIVE

Sec. 701. Authority to Interdict Certain Imports to and Exports from Iran.

This section authorizes the President to utilize the Proliferation Security Initiative and other measures deemed necessary to enforce U.S. laws, Executive Orders, and bilateral and multilateral agreements for the purpose of interdicting the import into or export from Iran any items, materials, goods, technology useful for any nuclear, biological, chemical,

missile or conventional arms program; and to utilize ship boarding agreements with other countries to carry out these functions.

Sec. 702. Report.

This section amends the reporting requirements of the Iran, North Korea, and Syria Nonproliferation Act (P.L. 106-178) to include a description of the proliferation interdiction actions of other governments and by requiring such reports be submitted every 120 days.

Sec. 703. Definitions.

This section defines “appropriate congressional committees” and “Government of Iran.”

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Boundary, water, and fisheries commissions.

This section notes the fact that a number the boundary, water, and fisheries commissions (authorized in section 104) are significantly behind on their annual reports, which often do not include sufficient detail to allow assessment of their programmatic and fiscal activities, and expresses the sense of Congress that timely and adequate reporting is necessary to maintaining public support for continued funding.

Sec. 802. Limitation on Funds for U.S.-China Center of Excellence on Nuclear Security.

This section prohibits funds for the U.S.-China Center of Excellence on Nuclear Security.

Sec. 803. Elimination of East-West Center.

This section precludes the use of funding under this act – and repeals the 1960 statutory authority – for the East-West Center, an education and research organization in Honolulu, Hawaii.

Sec. 804. Inspector General of the Global Fund.

This section adds benchmarks regarding the independence of the Office of the Inspector General of the Global Fund to Fight AIDS, Malaria and Tuberculosis to the State Department certification required by Public Law 108-25. This Public Law requires the withholding of 20 percent of appropriated funds for the United States contribution to the Global Fund until the Secretary of State certifies that the Global Fund is implementing specific reforms to enhance efficiency, transparency and accountability.

Sec. 805. Arab league boycott.

This section contains sense of Congress language related to continuing U.S. efforts to oppose the Arab League Boycott of Israel.

Sec. 806. Measures supporting the reunification of Cyprus.

This section establishes that it shall be the policy of the United States to support measures aimed at the reunification of Cyprus. It also calls upon the President to consult with the Government of the Republic of Cyprus on the provision of U.S. assistance to Cyprus. Finally, this section modifies statutory reporting and requires the State Department to provide Congress with a detailed description of all assistance programs and activities that are funded by the U.S. to help the reunification efforts.

Sec. 807. Limitation on assistance to the former Yugoslav Republic of Macedonia.

This section conditions the provision of United States assistance to the Former Yugoslav Republic of Macedonia upon that government's willingness to engage in meaningful discussions with the government of Greece to resolve the ongoing dispute over what shall be its official name. This section also prohibits the use of U.S. funding for any activities which support any hostile activities or propaganda by either the FYROM government or private entities, including educational materials that promote inaccuracies regarding the history and geography of Greece and FYROM.

Sec. 808. Statement of policy regarding the Ecumenical Patriarchate.

This section states that the United States calls upon the Republic of Turkey to eliminate all forms of discrimination, particularly with regard to religion, and to immediately grant the Ecumenical Patriarchate appropriate recognition which will allow it to perform its essential church functions, such as: the right to ecclesiastic succession without interference, the ability to train clergy, and the opportunity to manage church finances and property.

Sec. 809. Sense of Congress on restrictions on religious freedom in Vietnam.

This section contains findings regarding recent and ongoing violations of religious freedom by the government of Vietnam and expresses the sense of Congress that Vietnam should be returned to the State Department's list of "Countries of Particular Concern" for particularly severe violations of religious freedom.

Sec. 810. State sponsorship of terrorism by Eritrea.

This section expresses the Sense of Congress that the Secretary of State should designate Eritrea a State Sponsor of Terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export control Act, and section 620A of the Foreign Assistance Act of 1961.

Sec. 811. Rights of religious minorities in Egypt.

This section expresses Congressional concern for the protection of religious minorities in Egypt, including Coptic Christians, and highlights this as an appropriate focus for the

State Department's Office of International Religious Freedom and the Bureau of Democracy, Human Rights, and Labor.

Sec.812. The Republic of Sudan and the Republic of South Sudan

This section recognizes the significance of the succession of the Republic of South Sudan from the Republic of Sudan on July 9, 2011, and expresses the Sense of Congress that both North and South Sudan should continue to work to resolve outstanding matters relating to implementation of the Comprehensive Peace Agreement for Sudan and other potential areas of conflict, while seeking to advance peace, security and rule of law throughout their territories. It also expresses the Sense of Congress that the Darfur peace process should remain a priority, particularly efforts to secure a just and lasting peace in Darfur, humanitarian access to vulnerable populations, and freedom of movement for the African Union-United Nations Mission in Darfur (UNAMID).

TITLE IX—SECURITY ASSISTANCE

Section 901. Short Title.

This title may be cited as the Security Assistance Act of 2012.

Subtitle A – Military Assistance and Related Matters
Part I—Funding Authorizations

Section 911. Foreign Military Financing Program

Subsection 911(a) authorizes Foreign Military Financing (FMF) for fiscal year 2012 at \$6,374,000,000, matching the mark in the FY 2011 continuing resolution, and also including the FY 2012 OCO request for FMF for Iraq, to include a GAO review of all FMF provided to Iraq pursuant to this authorization, and findings stating that the transfer of responsibility for security assistance to Iraq from the Defense Department to the Department of State represents an aggregate \$500 million decrease (see also sec. 994B, strengthening cooperation with audits by the Special Inspector General for Iraq). Subsection 911(b)(1) states the sense of the Congress that the United States should fully implement the August 2007 security assistance agreement with Israel, including increases in FMF for Israel. Subsection 911(b)(2) amends the Security Assistance Act of 2000, as amended by the Security Assistance Act of 2002, to authorize \$3,075,000,000 in FMF for Israel (in an amount matching the administration request), and to ensure that FMF funds are provided to Israel early in the fiscal year after such funds are appropriated.

Section 912. International Military Education and Training

This section authorizes funding for FY 2012 for International Military Education and Training at \$105,800,000, matching the level in the FY 2011 Continuing Resolution. Subsection (b) amends section 541 of the Foreign Assistance Act to authorize the use of these funds for the training of personnel of regional and subregional organizations for the purposes of contributing to peacekeeping operations.

Part II—Military Assistance and Related Provisions

Section 921. Authority to Transfer Excess Defense Articles

This provision clarifies that the aggregate annual limitation on excess defense articles applies to articles authorized to be transferred and raises the annual limit from \$425 million to \$450 million. Section 516 of the FAA authorizes the president to transfer Excess Defense Articles (EDA) on a grant basis to eligible countries justified, in the annual Congressional Budget Justification. While EDA can be transferred at no-cost, the recipient must typically pay for any transportation or repair charges. Under certain circumstances, transportation charges may be waived, with the cost absorbed by DOD appropriated funds. The dollar limitation contained in section 516(g)(1) was last modified by the Security Assistance Act of 1999 (P.L-106-113).

Section 922. Annual Military Assistance Report

This provision amends section 655 of the FAA to clarify that the annual military assistance report should include unlicensed exports of defense articles under section 38 of the Arms Export Control Act, as well as the actual total dollar value of major defense equipment and defense articles delivered pursuant to licenses authorized under Section 38 of the Arms Export Control Act. A similar provision was included in section 127 of HR 5916, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote.

Section 923. Annual Report on Foreign Military Training

This provision changes the date upon which the military training report required by Section 656 of the FAA is due to the Congress from January 31 to March 1, and limits the content to training provided during the previous fiscal year. These changes should improve timeliness and accuracy of reporting.

Section 924. Global Security Contingency Fund

The committee recommends a provision that would establish a joint Department of State (DOS) and Department of Defense (DOD) fund to provide a pooled resources approach for responding to crises that require a range of military assistance and other assistance in the security sector. The provision would allow the DOS and the DOD to transfer up to \$300 million into the fund to be used for enhancing the capabilities of military forces, and other security forces that conduct border and maritime security, and counterterrorism operations, as well as the government agencies responsible for such forces, in order to strengthen a foreign country's national and regional security interests consistent with United States foreign policy. Programs under the Global Security Contingency Fund would be jointly formulated by the DOS and the DOD and would support a number of existing State and DOD authorities, including Foreign Military Financing, International Military Education Training, DOS law enforcement training authorities, and DOD's Global Train and Equip program ('Section 1206'). The fund would be initially established as a 3-year pilot program. Funding for this program would come from existing appropriations for the specified security assistance accounts managed by the DOS and DOD, respectively. Funding for this new authorization would therefore not require

additional appropriations above and beyond what has been requested and appropriated for these accounts in recent fiscal years. An identical provision was carried in the House-passed National Defense Authorization Act for FY 2012.

Section 925. International Military Education and Training.

Subsection (a)(1) incorporates language previously carried under H.R. 1473 which prohibits IMET for Chad until the Secretary of State certifies that credible progress has been made to end the recruitment of child soldiers. Paragraph (2) prohibits assistance for Equatorial Guinea and Somalia. Paragraph (3) incorporates limitations carried under annual appropriations bills for Angola, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Guinea and Zimbabwe. Paragraph (4) incorporates notification requirements carried in annual appropriations bills for the assistance to Angola, Bangladesh, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, and Sri Lanka. Paragraph (5) limits funds that may be made available for entertainment purposes. Subsection (b) incorporates quarterly reporting requirements carried under annual appropriations bills.

Part III—Arms Export Control Act Amendments and Related Provisions

Section 931. Increased Flexibility for use of Defense Trade Controls Registration Fees

This section provides the Director of Defense Trade Controls at the Department of State with the ability to use the fees that it collects from arms manufacturers and exporters for all the expenses associated with the agency. This provision amends section 45 of the State Department Basic Authorities Act to authorize the Department to use these retained fees to conduct the full range of defense trade control functions and activities. A similar provision was included in section 107 of HR 5916, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote.

Section 932. Increase in Congressional Notification Thresholds

This section increases monetary thresholds for 15 and 30 day Congressional review periods attendant to considering resolutions of disapproval of Foreign Military Sales (FMS) and commercial arms sales under the Arms Export Control Act. For NATO and close partner countries, the limits are raised from \$25 to \$75 million for Significant Military Equipment (SME), and from \$100 million to \$200 million for total contract value. For all other countries, from \$14 to \$50 million for SME, \$50 to \$100 million for total contract value. However, it retains existing statutory threshold levels for notification of the export to Congress. A similar provision was included in section 124 of HR 5916, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote.

Section 933. Return of Defense Articles

This provision amends section 21(m) of the AECA to permit, with prior State Department approval, the retransfer to the U.S. Government of defense articles to include SME. This

provision will increase the flexibility of the Department of Defense to acquire urgently needed defense equipment not currently in DoD stocks.

Section 934. Annual Estimate and Justification for Sales Program

This section amends section 25(a) of the AECA (the “Javits report”) to require that the annual justification for proposed arms sales includes a discussion of the extent to which such transfers advance U.S. strategies for regional security cooperation.

Section 935. Updating and Conforming Penalties for Violations of Sections 38 and 39 of the Arms Export Control Act

This section broadens the list of statutes for which indictments and convictions form the basis for ineligibility under the AECA, as well as conforms criminal penalties under the Act to the standard established under The International Emergency Economic Powers Act (IEEPA). It amends section 38(c) of the AECA by including among the definition of unlawful acts any violation of the U.S.-UK and U.S.-Australian defense trade treaties, any rule or regulation issued to enforce those treaties, and their implementing arrangements. In addition, section 38(g)(4) of the AECA (and section 127.11 of the International Traffic in Arms Regulations (ITAR)) prohibit the issuance of export licenses or other approvals to a person, or any party to the export, who has been convicted of violating the AECA and certain other U.S. criminal statutes enumerated at section 38(g)(1)(A) of the AECA and section 120.27 of the ITAR. A person convicted of violating the AECA is also subject to statutory debarment under section 127.7 of the ITAR. This provision adds to that list of enumerated statutes the following: section 545 of title 18, U.S.C., relating to smuggling goods into the United States; section 78dd3 of title 15, U.S.C., relating to prohibited foreign trade practices other than issuers or domestic concerns; section 2339B of title 18, U.S.C, relating to providing material support or resources to foreign terrorist organizations; and section 2339C and D of title 18, U.S.C., relating to financing terrorism and receiving terrorism training.

Section 936. Clarification of Prohibition Relating to State Sponsors of Terrorism and their Nationals

This provision amends Section 40 of the AECA to clarify that the prohibition on transactions with state sponsors of terrorism extends to nationals of those countries which have had substantive contacts with any country that is a state sponsor of terrorism sufficient to give rise to a reasonable risk of diversion. It also adds a conforming definition of the term “national.”

Section 937. Exemption for Transactions with Countries Supporting Acts of International Terrorism.

This section allows law enforcement agencies to engage in transactions for the purpose of prosecuting persons suspected of supporting countries that are state sponsors of terrorism. Section 40 of the AECA prohibits the U.S. Government from providing any license or other approval under Section 38 for any export or other transfer of a defense article or defense service to a state sponsor of terrorism. That section also prohibits any person

from exporting any defense article or defense service to such a country. Section 40(h) exempts from these prohibitions transactions subject to reporting under title V of the National Security Act of 1947. In efforts to prosecute individuals providing defense articles and defense services to state sponsors of terrorism, many law enforcement agencies have had to drop or curtail criminal investigations of export violations because they did not fall within this exemption. This amendment to section 40 would remedy that problem.

Section 938. Report on Foreign Military Financing Program

This section requires that the President provide an annual report on the Foreign Military Financing Program. It amends section 23 of the AECA to require that the President transmit as part of the supporting materials of the annual congressional budget justification a report reviewing the extent to which FMF requests are based on well-formulated and realistic capability requirements of foreign recipients; the extent to which the use of such authority is consistent with U.S. conventional arms transfer policy; and the extent to which the Department of State has developed and implemented specific plans to monitor and evaluate outcomes under the authority of this section, including at least one country or international organization assessment each fiscal year. The Congressional recipients of the report would be the Foreign Affairs and Appropriations Committees of the House and the Foreign Relations and Appropriations Committees of the Senate.

Section 939. Congressional Notification of Regulations and Amendments to Regulations under Section 38 of the Arms Export Control Act

This section adds a new requirement to the AECA that the President submit to the Committees on Foreign Affairs and Foreign Relations a copy of regulations or amendments to regulations issued to implement section 38 of the Act not less than 30 days before publication in the Federal Register unless, after consulting with the Committees, the President determines that there is an emergency that requires a shorter period of time.

Subtitle B—Security Assistance and Related Matters

Part I—Israel

Section 941. Report on United States Commitments to the Security of Israel.

This section requires the President to provide copies of all U.S. assurances made to Israel regarding its security since 1975 and on an ongoing basis, including revisions of past assurances, to the Committees on Foreign Affairs and Foreign Relations, to enable Congressional oversight over the U.S.-Israel security relationship. The United States has made numerous assurances to Israel over the years regarding its security, especially regarding conditions under which the U.S. would sell arms to Israel's neighbors. There have been subsequent revisions and revocations of these assurances. The Congress does not have access to these assurances and revisions, and is therefore limited in its ability to

conduct real oversight over this critical U.S. security relationship, and in its ability to judge for itself the extent to which such assurances are being fulfilled.

Section 942. Clarification of Certification Requirements Relating to Israel's Qualitative Military Edge.

This section amends section 36(h) of the AECA to require that the certification requirement relating to Israel's military edge be provided to Congress on an unclassified basis.

Section 943. Support to Israel for Missile Defense.

This Section authorizes funding for missile defense to Israel through the amounts authorized for Israel through the FMF account. It also requires a report on activities pursuant to this authorization be provided as part of the annual Congressional Budget Justification to the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committee on Foreign Relations and Armed Services of the Senate.

Part II—Egypt

Section 951. Limitation on Security Assistance to the Government of Egypt.

This section requires, before Egypt can receive security assistance [under this Act], a certification by the President that: (1) the Government of Egypt is not directly or indirectly controlled by a foreign terrorist organization, its affiliates or supporters; (2) the Government of Egypt is fully implementing the Israel-Egypt Peace Treaty; and (3) the Government of Egypt is destroying the smuggling network and tunnels between Egypt and the Gaza strip. The President may waive the limitation if he determines and certifies to the appropriate congressional committees that: it is in the vital national security interests of the United States; that the U.S. is fully implementing and enforcing end-use monitoring mechanisms [provided through the FMF process]; and that the U.S. has established and implemented comprehensive procedures to vet all recipients of U.S. security assistance to ensure that no recipients are members of, or affiliated with, a foreign terrorist organization or any affiliates or supporters thereof.

Section 952. Report on Security Assistance to the Government of Egypt.

This section requires that not later than 180 days after the date of enactment of this Act that the Secretary of State, in coordination with the Secretary of Defense provide to the appropriate congressional committees a comprehensive report on U.S. security assistance to Egypt, and requires a GAO follow-on report.

Section 953. Government of Egypt Defined.

This section defines the Government of Egypt as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Egypt.

Part III—Lebanon

Section 961. Statement of Policy.

This section contains a statement of policy with respect to the goals of U.S. policy toward Lebanon.

Section 962. Limitation on Security Assistance to the Government of Lebanon.

This section requires, before Lebanon can continue to receive security assistance [under this Act], the President must certify to the appropriate congressional committees that no member of Hezbollah or any other a foreign terrorist organization serves in a policy position in a ministry, agency, or instrumentality of the Government of Lebanon. It further requires recertifications not later than 90 days after an initial certification and every six months thereafter or a report containing reasons why the recertification could not be made. In addition, waiver authority is provided if the President determines and certifies to the appropriate congressional committees 15 days prior to the exercise of the waiver authority that: (1) it is in the vital national security interests of the United States; (2) the U.S. is fully implementing and enforcing end-use monitoring mechanism on US-origin equipment provided to Lebanon [through the FMF program]; and the U.S. has established and implemented comprehensive procedures to vet all recipients of US security assistance, to ensure that no recipients are members of, or affiliated with, a foreign terrorist organization.

Section 963. Report on Security Assistance to the Government of Lebanon.

This section requires that not later than 180 days after the date of enactment of this Act in connection with the annual congressional budget justification, that the Secretary of State provide a comprehensive report to the appropriate congressional committees on U.S. security assistance to Lebanon.

Section 964. Government of Lebanon Defined.

This section defines the Government of Lebanon as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Lebanon.

Part IV—Palestinian Authority

Section 971. Limitation on Security Assistance to the Palestinian Authority.

This section requires, before the Palestinian Authority (PA) can continue to receive security assistance [authorized under this Act], the President must provide a certification to the appropriate congressional committees that no member of Hamas or any other foreign terrorist organization serves in a policy position in a ministry, agency, or instrumentality of the PA; that the PA is taking all necessary steps and actions to implement the 2005 security reorganization program, and implement an inclusive, standards-based approach to recruitment; all PA ministries and operations that receive

U.S. security assistance are financially transparent and accountable; the PA is dismantling all foreign terrorist organizations infrastructure, confiscating unauthorized weapons, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services; the PA is fully reforming the Ministry of Interior and judicial sector; has halted anti-Israel incitement; has implementing comprehensive anti-terrorism and tracking procedures in conjunction with receiving U.S. security assistance; and that the PA has and continues to publicly acknowledge Israel's right to exist as a Jewish state. A recertification is required 90 days after the date of enactment of this Act and every six months thereafter or a report to the appropriate congressional committees if the recertification is not made. In addition, waiver authority if the President determines and certifies to the appropriate congressional committees 15 days prior to exercise of the waiver authority that: (1) it is in the vital national interests of the U.S.; the U.S. is fully implementing and enforcing end-use monitoring mechanisms for equipment provided [through the FMF program] and that such equipment is accounted for; and the U.S. has established and implemented comprehensive vetting procedures to ensure that recipients of U.S. security assistance are not members of, or affiliated with, a foreign terrorist organization.

Section 972. Report on Security Assistance to the Palestinian Authority.

This section requires that not later than 180 days after the date of enactment of this Act, the Secretary of State to submit to the appropriate congressional committees a comprehensive report on U.S. security assistance to the Palestinian Authority.

Section 973. Palestinian Authority Defined.

This section defines the Palestinian Authority as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Palestinian Authority.

Part V—Pakistan

Section 981. Authorization of Appropriations.

This provision amends section 102 of the Enhanced Partnership with Pakistan Act of 2009 (also known as the “Kerry-Lugar-Berman” bill) to provide that no funds for civilian assistance authorized pursuant to that Act may be obligated in fiscal years 2012-2014 unless the Congress receives a certification from the Secretary of State that Pakistan is making “measurable” progress toward meeting the principal objectives of United States assistance to Pakistan as described by the report required in section 301. In addition, no funds for civilian assistance to Pakistan may be made available until the Secretary of State makes the certification required by section 203, as amended by this title, of the Enhanced Partnership with Pakistan Act. The amendment also strikes the waiver authority provided in section 102(c) and the sense of congress provision in 102(d).

Section 982. Limitations on Certain Assistance.

This section strengthens the limitation on security assistance contained in section 203 of the Enhanced Partnership with Pakistan Act. It stipulates that the certification required

under that section now be made by the Secretary of State in consultation with the Secretary of Defense and Director National Intelligence. The certification contained in section 203(c) is tightened by requiring that the Secretary of State now certify that Pakistan has made “demonstrable progress” in combating terrorist groups before providing certain security-related assistance to Pakistan. It adds new requirements to the certification relating to the extent to which Pakistan is fully assisting the United States in investigating the presence of Osama bin Laden in Pakistan, visa issuance for U.S. personnel, with respect to cooperation in the flow of improvised explosive device materials to Afghanistan, and the use of defense articles and services transferred by the United States pursuant to the Foreign Military Sales program. It also adds new language to existing requirements under the certification to include reference to the Haqqani Network and full implementation of counterterrorism and anti-money laundering laws. In addition, it strikes the waiver authority in section 203(e). It also amends the definition of appropriate congressional committees for purposes of receipt of the certification required by section 203.

Section 983. Strategy Reports.

This provision amends section 301 of the Enhanced Partnership with Pakistan Act to require that the report be provided in each of the fiscal years 2012-2014, clarifies certain reporting requirements, and adds new reporting requirements relating to transparency and accountability of U.S. assistance to that country, as well as Department of State planning for incorporating support for private sector development and enhanced trade opportunities as part of the foreign assistance approach to Pakistan.

Part VI—Yemen

Section 991. Limitation on Security Assistance to the Government of Yemen.

This section requires, before Yemen can continue to receive security assistance [under this Act], the President must certify to the appropriate congressional committees that, among other requirements, no ministry, agency, or instrumentality of the Government of Yemen is controlled by a foreign terrorist organization or is directly or indirectly affiliated with a foreign terrorist organization; and that no member of a foreign terrorist organization serves in any policy position in a ministry, agency, or instrumentality of the Government of Yemen. A recertification is required 90 days after the date of enactment of this Act and every six months thereafter or a report to the appropriate congressional committees if the recertification is not made. In addition, waiver authority if the President determines and certifies to the appropriate congressional committees 15 days prior to exercise of the waiver authority that: (1) it is in the vital national interests of the U.S.; the U.S. is fully implementing and enforcing end-use monitoring mechanisms for equipment provided [through the FMF program] and that such equipment is accounted for; and the U.S. has established and implemented comprehensive vetting procedures to ensure that recipients of U.S. security assistance are not members of, or affiliated with, a foreign terrorist organization or any affiliates or supporters thereof.

Section 992. Report on Security Assistance to the Government of Yemen.

This section requires that 180 days after the date of enactment of this Act that the Secretary of State, in coordination with the Secretary of Defense, submit a comprehensive report on U.S. security assistance to the Government of Yemen, and requires a GAO follow-on report.

Section 993. Government of Yemen Defined.

This section defines the Government of Yemen as any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Yemen.

Part VII—Miscellaneous Provisions

Section 994. Definitions.

Section 994(1) defines appropriate congressional committees to include the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate. Section 994(2) defines the term “foreign terrorist organization” to be consistent with section 219(a) of the Immigration and Nationality Act. Section 994(3) defines the term “qualitative military edge” to have the same meaning as in section 36(h(2) of the AECA. Section 994(4) defines U.S. security assistance to mean assistance authorized under Part II of the FAA, [or any other Act under which the U.S. provides defense articles, military training, or other defense related services]. Section 994(5) defines the term security cooperation program to include interactions with foreign defense and internal security establishments.

Section 994A. Report on Police Training.

This section directs that not later than 180 after the date of enactment of this Act the President shall, in coordination with the heads of other relevant Federal departments and agencies, conduct a study and report to the appropriate congressional committees regarding overseas civilian police training conducted by the United States in countries or regions that are at risk of, in, or are in transition from conflict or civil strife.

Section 994B. Audits of U.S. Assistance to Iraq.

This section requires the Secretary of State to cooperate with audits conducted by the Office of the Special Inspector General for Iraq Reconstruction (SIGIR).

Section 994C. Sense of Congress.

This provision adds the sense of Congress that the European Union should maintain its arms embargo on the People’s Republic of China. A similar provision was carried in HR 5916, the Security Assistance and Arms Export Control Reform Act of 2008, which passed the Committee by voice vote.

Subtitle C—Peacekeeping Operations

Section 995. Peacekeeping operations.

This section grants certain authorities, sets limitations, and authorizes appropriations for the provision of assistance “for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States” consistent with Section 551 of the Foreign Assistance Act of 1961. Subsection (a) enables the United States to enhance the capacity of civilian security forces to participate in peacekeeping operations, notwithstanding Section 660 of the Foreign Assistance Act, which established a broad prohibition on police training. Paragraph (2) provides notwithstanding authority, upon consultation with Congress, to support disarmament, demobilization, and reintegration programs for former members of foreign terrorist organizations.

Subsection (b) amends the Child Soldier Prevention Act to prohibit Peacekeeping Operations assistance to countries that recruit and use child soldiers, in addition to International Military Education and Training, Foreign Military Financing, and Excess Defense Articles.

Subsection (c) incorporates reporting requirements carried in annual appropriations bills.

Subsection (d) authorizes \$304,390,000 million in appropriations for Peacekeeping Operations assistance in FY12, which is equal to the FY11 enacted level. This section also authorizes payment of assessed contributions for peacekeeping operations in Somalia and U.S. contributions to the Multinational Force Observers mission in the Sinai.

Subtitle D—Reports, Briefings, and Other Matters

Section 996. Report on Transparency in NATO Arms Sales.

This section requires the Secretary of State, in coordination with the Secretary of Defense, to provide an annual report on sales and financing of defense articles and defense services in excess of \$50,000,000 by North Atlantic Treaty Organization (NATO) member countries (other than the United States) to non-NATO member countries.

Section 996A. Report on Task Force for Business and Stability Operations in Afghanistan.

This section requires a report detailed plan to provide for the transition of the activities of the Task Force for Business and Stability Operations in Afghanistan from the Department of Defense to the Department of State and the United States Agency for International Development.

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

This would require that the Secretary of Defense briefs both the Foreign Affairs and Armed Services committees on military and cyber activities undertaken pursuant to the Authorization for the Use of Military Force (PL 107-40).

TITLE X—PEACE CORPS VOLUNTEER SERVICE IMPROVEMENT

Sec. 1001. Sexual assault complaints in the Peace Corps.

In this section, Congress notes that the Peace Corps has begun responding to concerns about its handling of sexual assault complaints by volunteers and looks forward to working cooperatively on additional, necessary steps to protect volunteers.

Sec. 1002. Peace Corps Volunteer Protection.

This section adds several new sections to the Peace Corps Act:

Sec. 8A. Safety and Security Agreement Regarding Peace Corps Volunteers Serving in Foreign Countries. This section requires the Director of the Peace Corps to consult with the Assistant Secretary of State for Diplomatic Security to form a memorandum of understanding that specifies the duties and obligations with respect to the protection of Peace Corps volunteers serving in foreign countries. The Inspector General (IG) of the Peace Corps shall review the memorandum to ensure it advances the safety and security of Peace Corps Volunteers. Unless the Director certifies that the safety and security of Peace Corps volunteers is not jeopardized, if the memorandum of understanding is not entered within 9 months after the enactment of the Act, no funds may be obligated to extend Peace Corps volunteers invitations for service or to deploy Peace Corps trainees overseas.

Sec. 8B. Peace Corps Volunteer Protection. This section requires the Peace Corps to develop training for volunteers. This training must be developed in consultation with experts, comply with best practices in the sexual assault field, and be tailored to a volunteer's specific country. The Director also must provide applicants with a history of crimes at their assigned post and trainees the contact information of the IG and who to contact in the event of a sexual assault. Subsection (f) includes definitions of "assault," "sexual assault," and "stalking."

Sec. 8C. Sexual Assault Protocol and Guidelines. This section requires the Peace Corps to develop sexual assault protocol and guidelines for staff. These protocol and guidelines must be developed in consultation with experts, conform to best practices in the sexual assault field, and be applicable to all posts at which volunteers serve. The Director shall also provide volunteers with an anonymous hotline they can call and a sexual assault response team after a sexual assault. Finally, Peace Corps must review cases of responses to sexual assault and track and record all incidents of assault.

Sec. 8D. Victim Advocates. This section requires that victim advocates help develop and implement sexual assault risk-reduction training and assist volunteers who have been victims of assault. This section also exempts victim advocates from the 5-year rule. The Director shall assign additional certified victim advocates as needed. It is the sense of Congress that at least 3 additional victim advocates are needed at this time.

Sec. 8E. Establishment of a Sexual Assault Advisory Council. This section establishes a Sexual Assault Advisory Council made up of former volunteers (victims and non-victims) and experts in the sexual assault field to review Peace Corps sexual assault policy and implementation. The Council will meet once a year and report to Congress its findings.

Sec. 8F. Volunteer Feedback and Peace Corps Review. This section establishes monitoring and evaluation mechanisms for all Peace Corps programs and staff, codifies the annual volunteer survey, and tasks the IG office with reviewing Country Directors, the effectiveness and implementation of Peace Corps sexual assault policy and protocol, and Peace Corps' confidentiality provisions.

Sec. 8G. Nondisclosure of Confidential or Private Information. This section requires the Peace Corps to establish a process for Volunteers to confidentially report incidents of assault, misconduct or mismanagement, educate and train Volunteers and staff on this process, and ensures the safety of Volunteers by requiring the consent of the Volunteer before the release of any personally identifying information.

Sec. 8H. Reporting Requirements. This section requires the Peace Corps to submit annual reports to Congress on the types and frequencies of crimes against volunteers for each country where Peace Corps serves; assaults against Volunteers; the monitoring and evaluation of Peace Corps programs and Country Directors; and a report on the costs of providing all Volunteers with adequate access to communications. This section also requires GAO to submit a report on the quality and accessibility of health care by the Department of Labor for returned Volunteers. Additionally the IG must perform an audit within 2 years on the implementation of the safety and security protocols.

Sec. 8I. Portfolio Reviews. This section requires the Peace Corps to conduct portfolio review at least once every three years to review the allocation and delivery of resources where the Peace Corps serves. The portfolio reviews at a minimum shall include an evaluation of the country's commitment to the Peace Corps program, an analysis of the safety and security of volunteers, an evaluation of the country's need for assistance, an analysis of country program costs and effectiveness of program implementation, and an evaluation of the country's congruence with the Peace Corps mission.

Sec. 1003. Conforming Amendments.

This section contains conforming amendments to section 5(a) (22 U.S.C. 2504(a)) and section 8(a) 22 U.S.C. 2507(a)) of the Peace Corps Act for the inclusion of sexual assault risk reduction and response training. Additionally, it contains a conforming amendment to section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) regarding certain services.

Sec. 1004. Independence of the Inspector General of the Peace Corps.

This section exempts the Inspector General of the Peace Corps and the officers and employees of the Office of Inspector General of the Peace Corps from the 5-year rule.

Sec. 1005. Authorization of appropriations.

This section authorizes \$375 million in FY12 for the Peace Corps (the FY11 CR level, which is \$25 million less than FY10 actual levels, and nearly \$65 million less than the President's FY12 request), of which not less than \$4.6 million is authorized for the Peace Corps Office of the Inspector General.