

112TH CONGRESS
2D SESSION

H. R. 6018

To authorize appropriations for the Department of State for fiscal year 2013, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2012

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

A BILL

To authorize appropriations for the Department of State for fiscal year 2013, 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 Year 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. Appropriate congressional committees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.

- Sec. 102. Contributions to International Organizations.
- Sec. 103. Contributions for International Peacekeeping Activities.
- Sec. 104. International Commissions.
- Sec. 105. Peace Corps.
- Sec. 106. National Endowment for Democracy.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

- Sec. 201. International Litigation Fund.
- Sec. 202. Actuarial valuations.
- Sec. 203. Special agents.
- Sec. 204. Diplomatic security program contracting.
- Sec. 205. Accountability review boards.
- Sec. 206. Physical security of certain soft targets.
- Sec. 207. Rewards program update and technical corrections.
- Sec. 208. Cybersecurity efforts of the Department of State.
- Sec. 209. Center for Strategic Counterterrorism Communications of the Department of State.

Subtitle B—Consular Services and Related Matters

- Sec. 211. Extension of authority to assess passport surcharge.
- Sec. 212. Border crossing card fee for minors.

Subtitle C—Reporting Requirements

- Sec. 221. Reporting reform.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

- Sec. 301. Suspension of Foreign Service members without pay.
- Sec. 302. Repeal of recertification requirement for Senior Foreign Service.
- Sec. 303. Limited appointments in the Foreign Service.
- Sec. 304. Limitation of compensatory time off for travel.
- Sec. 305. Department of State organization.
- Sec. 306. Reemployment of annuitants in high-risk posts.
- Sec. 307. Overseas Foreign Service pay.

TITLE IV—UNITED STATES INTERNATIONAL BROADCASTING

- Sec. 401. Authorization of appropriations for international broadcasting.
- Sec. 402. Personal services contracting program.
- Sec. 403. Technical amendment relating to civil immunity for Broadcasting Board of Governors members.

TITLE V—ARMS EXPORT CONTROL ACT AMENDMENTS AND RELATED PROVISIONS

Subtitle A—General Provisions

- Sec. 501. Authority to transfer excess defense articles.
- Sec. 502. Annual military assistance report.
- Sec. 503. Annual report on foreign military training.
- Sec. 504. Increased flexibility for use of defense trade control registration fees.
- Sec. 505. Increase in congressional notification thresholds.

- Sec. 506. Return of defense articles.
- Sec. 507. Annual estimate and justification for sales program.
- Sec. 508. Updating and conforming penalties for violations of sections 38 and 39 of the Arms Export Control Act.
- Sec. 509. Clarification of prohibitions relating to state sponsors of terrorism and their nationals.
- Sec. 510. Exemption for transactions with countries supporting acts of international terrorism.
- Sec. 511. Report on Foreign Military Financing program.
- Sec. 512. Congressional notification of regulations and amendments to regulations under section 38 of the Arms Export Control Act.
- Sec. 513. Diplomatic efforts to strengthen national and international arms export controls.
- Sec. 514. Review and report of investigations of violations of section 3 of the Arms Export Control Act.
- Sec. 515. Reports on commercial and governmental military exports under the Arms Export Control Act; congressional actions.

Subtitle B—Miscellaneous Provisions

- Sec. 521. Treatment of militarily insignificant parts and components.
- Sec. 522. Special export licensing for United States allies.
- Sec. 523. Improving and streamlining licensing under United States Government arms export control programs.
- Sec. 524. Authority to remove satellites and related components from the United States Munitions List.
- Sec. 525. Report on licenses and other authorizations to export commercial satellites and related components and technology contained on the Commerce Control List.
- Sec. 526. Review of United States Munitions List.
- Sec. 527. Report on country exemptions for licensing of exports of munitions and related technical data.
- Sec. 528. End-use monitoring of munitions.
- Sec. 529. Definitions.

1 SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.

3 Except as otherwise provided in this Act, the term
4 “appropriate congressional committees” means the Com-
5 mittee on Foreign Affairs of the House of Representatives
6 and the Committee on Foreign Relations of the Senate.

1 **TITLE I—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

4 The following amounts are authorized to be appro-
5 priated for the Department of State under “Administra-
6 tion of Foreign Affairs” to carry out the authorities, func-
7 tions, duties, and responsibilities in the conduct of foreign
8 affairs of the United States, and for other purposes au-
9 thorized by law:

10 (1) **DIPLOMATIC AND CONSULAR PROGRAMS.—**

11 For “Diplomatic and Consular Programs”,
12 \$8,983,778,000 for fiscal year 2013.

13 (A) **WORLDWIDE SECURITY PROTEC-**
14 **TION.—**Of such amounts, not less than
15 \$1,591,201,000 is authorized to be appro-
16 priated for worldwide security protection.

17 (B) **BUREAU OF DEMOCRACY, HUMAN**
18 **RIGHTS, AND LABOR.—**Of such amounts, not
19 less than \$24,147,000 for fiscal year 2013 is
20 authorized to be appropriated for the Bureau of
21 Democracy, Human Rights and Labor.

22 (C) **OVERSEAS COMPARABILITY PAY LIM-**
23 **TATION.—**None of such amounts are authorized
24 to be used to pay a locality-based comparability
25 payment (stated as a percentage) greater than

1 two-thirds of the comparability payment (stated
2 as a percentage) applicable to the District of
3 Columbia locality under section 5304 of title 5,
4 United States Code, to any member of the For-
5 eign Service designated class 1 or below for
6 purposes of section 403 of the Foreign Service
7 Act of 1980 (22 U.S.C. 3963) whose official
8 duty station is not in the continental United
9 States or in a non-foreign area, as defined in
10 section 591.205 of title 5, Code of Federal Reg-
11 ulations.

12 (2) CAPITAL INVESTMENT FUND.—For “Cap-
13 ital Investment Fund”, \$59,380,000 for fiscal year
14 2013.

15 (3) EMBASSY SECURITY, CONSTRUCTION AND
16 MAINTENANCE.—For “Embassy Security, Construc-
17 tion and Maintenance”, \$1,570,000,000 for fiscal
18 year 2013.

19 (4) EDUCATIONAL AND CULTURAL EXCHANGE
20 PROGRAMS.—For “Educational and Cultural Ex-
21 change Programs”, \$598,800,000 for fiscal year
22 2013.

23 (5) CONFLICT STABILIZATION OPERATIONS.—

1 (A) IN GENERAL.—For “Conflict Stabiliza-
2 tion Operations”, \$8,500,000 for fiscal year
3 2013.

4 (B) TRANSFER.—Subject to subparagraph
5 (C) of this paragraph, of the amount authorized
6 to be appropriated pursuant to paragraph (1),
7 up to \$35,000,000 is authorized to be trans-
8 ferred to, and merged with, the amount speci-
9 fied in subparagraph (A) of this paragraph.

10 (C) NOTIFICATION.—If the Secretary of
11 State exercises the transfer authority described
12 in subparagraph (B), the Secretary shall notify
13 the Committee on Foreign Affairs and the
14 Committee on Appropriations of the House of
15 Representatives and the Committee on Foreign
16 Relations and the Committee on Appropriations
17 of the Senate.

18 (6) REPRESENTATION ALLOWANCES.—For
19 “Representation Allowances”, \$7,300,000 for fiscal
20 year 2013.

21 (7) PROTECTION OF FOREIGN MISSIONS AND
22 OFFICIALS.—For “Protection of Foreign Missions
23 and Officials”, \$27,000,000 for fiscal year 2013.

24 (8) EMERGENCIES IN THE DIPLOMATIC AND
25 CONSULAR SERVICE.—For “Emergencies in the Dip-

1 lomatic and Consular Service”, \$9,300,000 for fiscal
2 year 2013.

3 (9) REPATRIATION LOANS.—For “Repatriation
4 Loans”, \$1,447,000 for fiscal year 2013.

5 (10) PAYMENT TO THE AMERICAN INSTITUTE
6 IN TAIWAN.—

7 (A) IN GENERAL.—For “Payment to the
8 American Institute in Taiwan”, \$21,108,000
9 for fiscal year 2013.

10 (B) TRANSFER.—Subject to subparagraph
11 (C) of this paragraph, of the amount authorized
12 to be appropriated pursuant to paragraph (1),
13 up to \$15,300,000 is authorized to be trans-
14 ferred to, and merged with, the amount speci-
15 fied in subparagraph (A) of this paragraph.

16 (C) NOTIFICATION.—If the Secretary of
17 State exercises the transfer authority described
18 in subparagraph (B), the Secretary shall notify
19 the Committee on Foreign Affairs and the
20 Committee on Appropriations of the House of
21 Representatives and the Committee on Foreign
22 Relations and the Committee on Appropriations
23 of the Senate.

24 (11) OFFICE OF THE INSPECTOR GENERAL.—
25 For “Office of the Inspector General”,

1 \$129,086,000 for fiscal year 2013, including for the
2 Special Inspector General for Iraq Reconstruction
3 and the Special Inspector General for Afghanistan
4 Reconstruction, notwithstanding section 209(a)(1) of
5 the Foreign Service Act of 1980 (22 U.S.C.
6 3929(a)(1)) as such section relates to the inspection
7 of the administration of activities and operations of
8 each Foreign Service post.

9 **SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
10 **TIONS.**

11 There are authorized to be appropriated for “Con-
12 tributions to International Organizations”,
13 \$1,551,000,000 for fiscal year 2013, for the Department
14 of State to carry out the authorities, functions, duties, and
15 responsibilities in the conduct of the foreign affairs of the
16 United States with respect to international organizations
17 and to carry out other authorities in law consistent with
18 such purposes.

19 **SEC. 103. CONTRIBUTIONS FOR INTERNATIONAL PEACE-**
20 **KEEPING ACTIVITIES.**

21 There are authorized to be appropriated for “Con-
22 tributions for International Peacekeeping Activities”,
23 \$1,828,182,000 for fiscal year 2013 for the Department
24 of State to carry out the authorities, functions, duties, and
25 responsibilities of the United States with respect to inter-

1 national peacekeeping activities and to carry out other au-
2 thorities in law consistent with such purposes.

3 **SEC. 104. INTERNATIONAL COMMISSIONS.**

4 The following amounts are authorized to be appro-
5 priated under “International Commissions” for the De-
6 partment of State to carry out the authorities, functions,
7 duties, and responsibilities in the conduct of the foreign
8 affairs of the United States and for other purposes author-
9 ized by law:

10 (1) INTERNATIONAL BOUNDARY AND WATER
11 COMMISSION, UNITED STATES AND MEXICO.—For
12 “International Boundary and Water Commission,
13 United States and Mexico”—

14 (A) for “Salaries and Expenses”,
15 \$44,722,000 for fiscal year 2013; and

16 (B) for “Construction”, \$31,453,000 for
17 fiscal year 2013.

18 (2) INTERNATIONAL BOUNDARY COMMISSION,
19 UNITED STATES AND CANADA.—For “International
20 Boundary Commission, United States and Canada”,
21 \$2,279,000 for fiscal year 2013.

22 (3) INTERNATIONAL JOINT COMMISSION.—For
23 “International Joint Commission”, \$7,012,000 for
24 fiscal year 2013.

1 (4) INTERNATIONAL FISHERIES COMMISS-
2 SIONS.—For “International Fisheries Commissions”,
3 \$36,300,000 for fiscal year 2013.

4 (5) BORDER ENVIRONMENT COOPERATION COM-
5 MISSION.—For “Border Environment Cooperation
6 Commission”, \$2,396,000 for fiscal year 2013.

7 **SEC. 105. PEACE CORPS.**

8 There are authorized to be appropriated for the Peace
9 Corps \$375,000,000 for fiscal year 2013, of which not less
10 than \$5,150,000 is authorized to be appropriated for the
11 Office of the Inspector General of the Peace Corps.

12 **SEC. 106. NATIONAL ENDOWMENT FOR DEMOCRACY.**

13 There are authorized to be appropriated for the “Na-
14 tional Endowment for Democracy” for authorized activi-
15 ties \$122,764,000 for fiscal year 2013.

16 **TITLE II—DEPARTMENT OF**
17 **STATE AUTHORITIES AND AC-**
18 **TIVITIES**

19 **Subtitle A—Basic Authorities and**
20 **Activities**

21 **SEC. 201. INTERNATIONAL LITIGATION FUND.**

22 Paragraph (3) of section 38(d) of the State Depart-
23 ment Basic Authorities Act of 1956 (22 U.S.C. 2710(d))
24 is amended by striking “by the Department of State from
25 another agency of the United States Government or pur-

1 suant to” and inserting “by the Department of State as
2 a result of a decision of an international tribunal, from
3 another agency of the United States Government, or pur-
4 suant to”.

5 **SEC. 202. ACTUARIAL VALUATIONS.**

6 The Foreign Service Act of 1980 is amended—

7 (1) in section 818 (22 U.S.C. 4058)—

8 (A) in the first sentence, by striking “Sec-
9 retary of the Treasury” and inserting “Sec-
10 retary of State”; and

11 (B) by amending the second sentence to
12 read as follows: “The Secretary of State is au-
13 thorized to expend from money to the credit of
14 the Fund such sums as may be necessary to ad-
15 minister the provisions of this subchapter, in-
16 cluding actuarial advice, but only to the extent
17 and in such amounts as are provided in advance
18 in appropriations Acts.”;

19 (2) in section 819 (22 U.S.C. 4059), in the first
20 sentence, by striking “Secretary of the Treasury”
21 the second place it appears and inserting “Secretary
22 of State”;

23 (3) in section 825(b) (22 U.S.C. 4065(b)), by
24 striking “Secretary of the Treasury” and inserting
25 “Secretary of State”; and

1 (4) section 859(c) (22 U.S.C. 4071h(c))—

2 (A) by striking “Secretary of the Treas-
3 ury” and inserting “Secretary of State”; and

4 (B) by striking “and shall advise the Sec-
5 retary of State of” and inserting “that will pro-
6 vide”.

7 **SEC. 203. SPECIAL AGENTS.**

8 (a) IN GENERAL.—Paragraph (1) of section 37(a) of
9 the State Department Basic Authorities Act of 1956 (22
10 U.S.C. 2709(a)) is amended to read as follows:

11 “(1) conduct investigations concerning—

12 “(A) illegal passport or visa issuance or
13 use;

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

17 “(C) Federal offenses committed within
18 the special maritime and territorial jurisdiction
19 of the United States as defined in paragraph
20 (9) of section 7 of title 18, United States Code,
21 except as that jurisdiction relates to the prem-
22 ises of United States military missions and re-
23 lated residences;”.

24 (b) RULE OF CONSTRUCTION.—Nothing in para-
25 graph (1) of section 37(a) the State Department Basic

1 Authorities Act of 1956 (as amended by subsection (a)
2 of this section) shall be construed to limit the investigative
3 authority of any other Federal department or agency.

4 **SEC. 204. DIPLOMATIC SECURITY PROGRAM CONTRACTING.**

5 Section 136 of the Foreign Relations Authorization
6 Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is
7 amended—

8 (1) in subsection (c)—

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

13 (B) in paragraph (3), by striking “sub-
14 section (d)” and inserting “subsection (e)”;

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

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

20 “(d) AWARD OF LOCAL GUARD AND PROTECTIVE
21 SERVICE CONTRACTS IN HIGH RISK AREAS.—With re-
22 spect to local guard contracts for Foreign Service build-
23 ings located in high risk areas which exceed \$250,000, the
24 Secretary of State shall—

1 “(1) comply with paragraphs (1), (2), (4), (5),
2 and (6) of subsection (c) in the award of such con-
3 tracts;

4 “(2) in evaluating proposals for such contracts,
5 award contracts to the firm representing the best
6 value to the Government in accordance with the best
7 value tradeoff process described in subpart 15.1 of
8 the Federal Acquisition Regulation (48 C.F.R.
9 15.101–1); and

10 “(3) ensure that in all contracts awarded under
11 this subsection, contractor personnel providing local
12 guard or protective services are classified as—

13 “(A) employees of the offeror;

14 “(B) if the offeror is a joint venture, as
15 the employees of one of the persons or parties
16 constituting the joint venture; or

17 “(C) as employees of a subcontractor to
18 the offeror, and not as independent contractors
19 to the offeror or any other entity performing
20 under such contracts.”; and

21 (4) in subsection (e), as redesignated by para-
22 graph (2) of this section—

23 (A) in paragraph (3), by striking “and” at
24 the end;

1 (B) in paragraph (4), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(5) the term ‘high risk areas’ means—

6 “(A) an area subject to a contingency op-
7 eration as defined in section 101(a)(13) of title
8 10, United States Code; or

9 “(B) an area determined by the Assistant
10 Secretary of Diplomatic Security to present an
11 increased threat of serious damage or harm to
12 United States diplomatic facilities or per-
13 sonnel.”.

14 **SEC. 205. ACCOUNTABILITY REVIEW BOARDS.**

15 Paragraph (3) of section 301(a) of the Omnibus Dip-
16 lomatic Security and Antiterrorism Act of 1986 (22
17 U.S.C. 4831(a)) is amended—

18 (1) by striking the heading and inserting “FA-
19 CILITIES IN HIGH-RISK AREAS”; and

20 (2) in subparagraph (A)—

21 (A) by amending clause (i) to read as fol-
22 lows:

23 “(i) involves serious injury, loss of
24 life, or significant destruction of property
25 at, or related to, a United States Govern-

1 ment mission in an area subject to a con-
2 tingency operation (as defined in section
3 101(a)(13) of title 10, United States
4 Code), or in an area previously determined
5 by the Assistant Secretary of State for
6 Diplomatic Security to present an in-
7 creased threat of serious damage or harm
8 to United States diplomatic facilities or
9 personnel; and”;

10 (B) in clause (ii), by striking “2009” and
11 inserting “2015”.

12 **SEC. 206. PHYSICAL SECURITY OF CERTAIN SOFT TARGETS.**

13 Section 29 of the State Department Basic Authorities
14 Act of 1956 (22 U.S.C. 2701) is amended, in the third
15 sentence, by inserting “physical security enhancements
16 and” after “may include”.

17 **SEC. 207. REWARDS PROGRAM UPDATE AND TECHNICAL**
18 **CORRECTIONS.**

19 (a) ENHANCED AUTHORITY.—Section 36 of the State
20 Department Basic Authorities Act of 1956 (22 U.S.C.
21 2708) is amended—

22 (1) in subsection (a)(2), by inserting “serious
23 violations of international humanitarian law,
24 transnational organized crime,” after “international
25 narcotics trafficking,”;

1 (2) in subsection (b)—

2 (A) in the matter preceding paragraph (1),
3 by striking “Attorney General” and inserting
4 “heads of other relevant departments or agen-
5 cies”;

6 (B) in paragraphs (4) and (5), by striking
7 “paragraph (1), (2), or (3)” each place it ap-
8 pears and inserting “paragraph (1), (2), (3),
9 (8), or (9)”;

10 (C) in paragraph (6)—

11 (i) by inserting “or transnational or-
12 ganized crime group” after “terrorist orga-
13 nization”; and

14 (ii) by striking “or” at the end;

15 (D) in paragraph (7)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “, including the use
18 by the organization of illicit narcotics pro-
19 duction or international narcotics traf-
20 ficking” and inserting “or transnational
21 organized crime group, including the use
22 by such organization or group of illicit nar-
23 cotics production or international narcotics
24 trafficking”;

1 (ii) in subparagraph (A), by inserting
2 “or transnational organized crime” after
3 “international terrorism”; and

4 (iii) in subparagraph (B)—

5 (I) by inserting “or transnational
6 organized crime group” after “ter-
7 rorist organization”; and

8 (II) by striking the period at the
9 end and inserting a semicolon; and

10 (E) by adding at the end the following new
11 paragraphs:

12 “(8) the arrest or conviction in any country of
13 any individual for participating in, primarily outside
14 the United States, transnational organized crime;

15 “(9) the arrest or conviction in any country of
16 any individual conspiring to participate in or at-
17 tempting to participate in transnational organized
18 crime; or

19 “(10) the arrest or conviction in any country,
20 or the transfer to or conviction by an international
21 criminal tribunal (including a hybrid or mixed tri-
22 bunal), of any foreign national accused of war
23 crimes, crimes against humanity, or genocide, as de-
24 fined under the statute of such tribunal.”; and

25 (3) in subsection (k)—

1 (A) by redesignating paragraphs (5) and
2 (6) as paragraphs (7) and (8), respectively; and

3 (B) by inserting after paragraph (4) the
4 following new paragraphs:

5 “(5) TRANSNATIONAL ORGANIZED CRIME.—The
6 term ‘transnational organized crime’ means—

7 “(A) racketeering activity (as such term is
8 defined in section 1961 of title 18, United
9 States Code) that involves at least one jurisdic-
10 tion outside the United States; or

11 “(B) any other criminal offense punishable
12 by a term of imprisonment of at least four
13 years under Federal, State, or local law that in-
14 volves at least one jurisdiction outside the
15 United States and that is intended to obtain,
16 directly or indirectly, a financial or other mate-
17 rial benefit.

18 “(6) TRANSNATIONAL ORGANIZED CRIME
19 GROUP.—The term ‘transnational organized crime
20 group’ means a group of persons that includes one
21 or more citizens of a foreign country, exists for a pe-
22 riod of time, and acts in concert with the aim of en-
23 gaging in transnational organized crime.”.

24 (b) ADVANCE NOTIFICATION FOR INTERNATIONAL
25 CRIMINAL TRIBUNAL REWARDS.—Section 36(g) of the

1 State Department Basic Authorities Act of 1956 (22
2 U.S.C. 2708(g)) is amended by adding at the end the fol-
3 lowing new paragraph:

4 “(3) ADVANCE NOTIFICATION FOR INTER-
5 NATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less
6 than 15 days before publicly announcing that a re-
7 ward may be offered for the arrest or conviction in
8 any country, or the transfer to or conviction by an
9 international criminal tribunal (including a hybrid or
10 mixed tribunal), of a foreign national accused of war
11 crimes, crimes against humanity, or genocide (as de-
12 fined under the statute of such tribunal), the Sec-
13 retary shall submit to the appropriate congressional
14 committees a report, which may be submitted in
15 classified form if necessary, specifying the reasons
16 why such arrest or conviction or transfer of such
17 foreign national is in the national interests of the
18 United States.”.

19 (c) ENHANCING PUBLICITY OF REWARDS INFORMA-
20 TION.—The Department of State and the Broadcasting
21 Board of Governors shall make themselves available to the
22 appropriate congressional committees for period briefings
23 on their cooperative efforts to publicize rewards authorized
24 under section 36 of the State Department Basic Authori-
25 ties Act of 1956 (22 U.S.C. 2708).

1 (d) TECHNICAL CORRECTION.—Section 36(e)(1) of
2 the State Department Basic Authorities Act of 1956 (22
3 U.S.C. 2708) is amended by striking “The Secretary shall
4 authorize a reward of \$50,000,000 for the capture or
5 death or information leading to the capture or death of
6 Osama bin Laden.”.

7 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed as authorizing the use of activity
9 precluded under the American Servicemembers’ Protection
10 Act of 2002 (Public Law 107–206).

11 (f) FUNDING.—To carry out this section, the Sec-
12 retary of State shall use amounts appropriated or other-
13 wise made available to the Emergencies in the Diplomatic
14 and Consular Service account of the Department of State.

15 **SEC. 208. CYBERSECURITY EFFORTS OF THE DEPARTMENT**
16 **OF STATE.**

17 (a) COORDINATOR FOR CYBER ISSUES OF THE DE-
18 PARTMENT OF STATE.—

19 (1) IN GENERAL.—The Secretary of State is
20 authorized to establish within the office of the Sec-
21 retary of State a Coordinator for Cyber Issues (in
22 this section referred to as the “Coordinator”), who
23 shall be appointed by the President, by and with the
24 advice and consent of the Senate.

1 (2) PRINCIPAL DUTIES.—The Coordinator
2 should—

3 (A) be the principal official within the sen-
4 ior management of the Department responsible
5 for cyberspace and cybersecurity issues;

6 (B) be the principal advisor to the Sec-
7 retary of State on international cyberspace and
8 cybersecurity issues;

9 (C) report directly to the Secretary;

10 (D) perform such duties and exercise such
11 powers as the Secretary shall prescribe; and

12 (E) coordinate United States cyberspace
13 and cybersecurity policy in each country or re-
14 gion that the Secretary considers significant
15 with respect to efforts of the United States
16 Government to enhance cybersecurity globally.

17 (3) ADDITIONAL DUTIES.—In addition to the
18 duties described in paragraph (2), the Coordinator
19 should—

20 (A) provide strategic direction and coordi-
21 nation for United States Government policy and
22 programs aimed at addressing and responding
23 to cyberspace and cybersecurity issues overseas,
24 especially in relation to issues that affect

1 United States foreign policy and related na-
2 tional security concerns;

3 (B) coordinate with relevant Federal de-
4 partments and agencies, including the Depart-
5 ment of Homeland Security, the Department of
6 Defense, the Department of the Treasury, the
7 Department of Justice, the Department of
8 Commerce, and the intelligence community, to
9 develop interagency plans regarding inter-
10 national cyberspace and cybersecurity issues;

11 (C) conduct internal exercises for the De-
12 partment of State to plan for responses to a
13 cyber attack;

14 (D) provide a focal point for the private
15 sector to coordinate on international cyberspace
16 and cybersecurity issues; and

17 (E) build multilateral cooperation to de-
18 velop international norms, common policies, and
19 responses to secure the integrity of cyberspace.

20 (4) RANK AND STATUS OF AMBASSADOR.—The
21 Coordinator should have the rank and status of Am-
22 bassador-at-Large.

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of State shall
25 submit to the Committee on Foreign Affairs of the House

1 of Representatives and Committee on Foreign Relations
2 of the Senate a report that includes the following:

3 (1) A description of the Department of State's
4 internal cybersecurity efforts, including the fol-
5 lowing:

6 (A) A description of the nature and scope
7 of major incidents of cybercrime against the
8 Department of State.

9 (B) A description of action taken to ensure
10 that all individuals trained by the Department
11 of State are adequately prepared to detect and
12 respond to existing and foreseeable
13 vulnerabilities in the Department's information
14 security.

15 (C) An assessment of whether the Depart-
16 ment of State's staffing levels, facilities, finan-
17 cial resources, and technological equipment are
18 sufficient to provide effective cybersecurity
19 training and protection against incidents of
20 cybercrime.

21 (D) A description of action taken to de-
22 velop and implement response plans to mitigate
23 and isolate disruption caused by incidents of
24 cybercrime.

1 (E) A description of action taken to en-
2 hance cooperation on cybersecurity issues with
3 other Federal departments and agencies.

4 (F) A description of any deployments of
5 interagency teams from the Department of
6 State, the United States Agency for Inter-
7 national Development, and other Federal de-
8 partments and agencies that have been deployed
9 to foreign countries to respond to incidents of
10 cybercrime.

11 (2) A description of the actions that the De-
12 partment of State is taking to work with other coun-
13 tries and international organizations to strengthen
14 cooperative efforts to—

15 (A) combat cybercrime and enhance infor-
16 mation security;

17 (B) pressure countries identified as coun-
18 tries of cybersecurity concern under subsection
19 (c) to take effective action to end incidents of
20 cybercrime; and

21 (C) assist cybersecurity capacity-building
22 in less developed countries.

23 (c) LIST OF COUNTRIES OF CYBERSECURITY CON-
24 CERN.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 of State shall determine if a country is a country of
4 cybersecurity concern if the Secretary of State finds
5 that with respect to such a country—

6 (A) during the two-year period preceding
7 the date of the Secretary of State’s determina-
8 tion, there is significant credible evidence that
9 there has been a pattern of incidents of
10 cybercrime—

11 (i) against the United States Govern-
12 ment or United States persons, or that dis-
13 rupt United States electronic commerce or
14 otherwise negatively impact the trade or
15 intellectual property interests of the United
16 States; and

17 (ii) that are attributable to persons or
18 property based in such country; and

19 (B) the government of such country has
20 demonstrated a pattern of being uncooperative
21 with efforts to combat cybercrime by—

22 (i) failing to conduct its own reason-
23 able criminal investigations, prosecutions,
24 or other proceedings with respect to the in-

1 incidents of cybercrime described in subpara-
2 graph (A);

3 (ii) failing to cooperate with the
4 United States, any other party to the Con-
5 vention on Cybercrime, or INTERPOL, in
6 criminal investigations, prosecutions, or
7 other proceedings with respect to such inci-
8 dents, in accordance with chapter III of
9 the Convention on Cybercrime; or

10 (iii) not adopting or implementing leg-
11 islative or other measures in accordance
12 with chapter II of the Convention on
13 Cybercrime with respect to criminal of-
14 fenses related to computer systems or com-
15 puter data.

16 (2) SUBMISSION OF LIST.—

17 (A) IN GENERAL.—Upon making the de-
18 terminations under paragraph (1), the Sec-
19 retary of State shall submit to the congressional
20 committees specified in subsection (b) a list
21 of—

22 (i) each country that is a country of
23 cybersecurity concern;

24 (ii) the basis for each such determina-
25 tion; and

1 (iii) any actions the Department of
2 State is taking to address the concerns de-
3 scribed in such paragraph.

4 (B) FORM.—The Secretary of State may
5 submit the list described in this paragraph (or
6 any portion of such list) in classified form if the
7 Secretary determines that such is appropriate.

8 (d) STRATEGY FOR UNITED STATES ENGAGEMENT
9 ON INTERNATIONAL CYBER ISSUES.—

10 (1) IN GENERAL.—The Coordinator, in con-
11 sultation with the heads of appropriate Federal de-
12 partments and agencies with relevant technical ex-
13 pertise or policy mandates pertaining to cyberspace
14 and cybersecurity issues, shall, not later than 180
15 days after the date of the enactment of this Act, de-
16 velop and submit to congressional committees speci-
17 fied in subsection (b) a strategy to support the ob-
18 jective of promoting United States engagement on
19 international cyber issues.

20 (2) CONTENTS.—The strategy developed under
21 paragraph (1) shall—

22 (A) include—

23 (i) efforts to be undertaken;

24 (ii) specific and measurable goals;

1 (iii) benchmarks and timeframes for
2 defining short- and long-term objectives for
3 United States cyberspace and cybersecurity
4 policy; and

5 (iv) progress made towards achieving
6 the benchmarks and timeframes described
7 in clause (iii); and

8 (B) to the greatest extent practicable,
9 draw upon the expertise of technology, security,
10 and policy experts, private sector actors, inter-
11 national organizations, and other appropriate
12 entities.

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

15 (A) assessments and reviews of existing
16 strategies for international cyberspace and cy-
17 bersecurity policy and engagement;

18 (B) short- and long-term objectives for
19 United States cyberspace and cybersecurity en-
20 gagement; and

21 (C) a description of programs, activities,
22 and policies to foster United States Government
23 collaboration and coordination with other coun-
24 tries and organizations to bolster an inter-
25 national framework of cyber norms, governance,

1 and deterrence, including consideration of the
2 utility of negotiating a multilateral framework
3 to provide internationally acceptable principles
4 to better mitigate cyberwarfare, including non-
5 combatants.

6 (e) DEFINITIONS.—In this section:

7 (1) COMPUTER DATA.—The term “computer
8 data” means any representation of facts, informa-
9 tion, or concepts in a form suitable for processing in
10 a computer system, including a program suitable to
11 cause a computer system to perform a function.

12 (2) COMPUTER SYSTEMS.—The term “computer
13 systems” means any device or group of inter-
14 connected or related devices, one or more of which,
15 pursuant to a program, performs automatic proc-
16 essing of data.

17 (3) CONVENTION ON CYBERCRIME.—The term
18 “Convention on Cybercrime” refers to the Council of
19 Europe Convention on Cybercrime, done at Buda-
20 pest on November 23, 2001, as ratified by the
21 United States Senate with any relevant reservations
22 or declarations.

23 (4) CYBERCRIME.—The term “cybercrime” re-
24 fers to criminal offenses relating to computer sys-

1 tems or computer data described in the Convention
2 on Cybercrime.

3 (5) ELECTRONIC COMMERCE.—The term “elec-
4 tronic commerce” has the meaning given such term
5 in section 1105(3) of the Internet Tax Freedom Act
6 (47 U.S.C. 151 note).

7 (6) INFORMATION SECURITY.—The term “infor-
8 mation security” refers to—

9 (A) the confidentiality, integrity, or avail-
10 ability of an information system, or the infor-
11 mation such system processes, stores, or trans-
12 mits; and

13 (B) the security policies, security proce-
14 dures, or acceptable use policies with respect to
15 an information system.

16 (7) INTERPOL.—The term “INTERPOL”
17 means the International Criminal Police Organiza-
18 tion.

19 (8) UNITED STATES PERSON.—The term
20 “United States person” means—

21 (A) a United States citizen or an alien law-
22 fully admitted for permanent residence to the
23 United States; or

1 (B) an entity organized under the laws of
2 the United States, or of any jurisdiction within
3 the United States.

4 **SEC. 209. CENTER FOR STRATEGIC COUNTERTERRORISM**
5 **COMMUNICATIONS OF THE DEPARTMENT OF**
6 **STATE.**

7 (a) STATEMENT OF POLICY.—As articulated in Exec-
8 utive Order 13584, issued on September 9, 2011, it is the
9 policy of the United States to actively counter the actions
10 and ideologies of al-Qa’ida, its affiliates and adherents,
11 other terrorist organizations, and violent extremists over-
12 seas that threaten the interests and national security of
13 the United States.

14 (b) ESTABLISHMENT OF CENTER FOR STRATEGIC
15 COUNTERTERRORISM COMMUNICATIONS.—There is au-
16 thorized to be established within the Department of State,
17 under the direction of the Secretary of State, the Center
18 for Strategic Counterterrorism Communications (in this
19 section referred to as the “CSCC”).

20 (c) MISSION.—The CSCC should coordinate, orient,
21 and inform government-wide public communications ac-
22 tivities directed at audiences abroad and targeted against
23 violent extremists and terrorist organizations, especially
24 al-Qa’ida and its affiliates and adherents.

1 (d) COORDINATOR OF THE CENTER FOR STRATEGIC
2 COUNTERTERRORISM COMMUNICATIONS.—The head of
3 the CSCC should be the Coordinator. The Coordinator of
4 the CSCC should—

5 (1) report to the Under Secretary for Public
6 Diplomacy and Public Affairs; and

7 (2) collaborate with the Bureau of Counterter-
8 rorism of the Department of State, other Depart-
9 ment bureaus, and other United States Government
10 agencies.

11 (e) DUTIES.—The CSCC should—

12 (1) monitor and evaluate extremist narratives
13 and events abroad that are relevant to the develop-
14 ment of a United States strategic counterterrorism
15 narrative designed to counter violent extremism and
16 terrorism that threaten the interests and national
17 security of the United States;

18 (2) develop and promulgate for use throughout
19 the executive branch United States strategic
20 counterterrorism narrative developed in accordance
21 with paragraph (1), and public communications
22 strategies to counter the messaging of violent ex-
23 tremists and terrorist organizations, especially al-
24 Qa'ida and its affiliates and adherents;

1 (3) identify current and emerging trends in ex-
2 tremist communications and communications by al-
3 Qa’ida and its affiliates and adherents in order to
4 coordinate and provide guidance to the United
5 States Government regarding how best to proactively
6 promote a United States strategic counterterrorism
7 narrative developed in accordance with paragraph
8 (1) and related policies, and to respond to and rebut
9 extremist messaging and narratives when commu-
10 nicating to audiences outside the United States;

11 (4) facilitate the use of a wide range of commu-
12 nications technologies by sharing expertise and best
13 practices among United States Government and non-
14 government sources;

15 (5) identify and request relevant information
16 from United States Government agencies, including
17 intelligence reporting, data, and analysis; and

18 (6) identify shortfalls in United States capabili-
19 ties in any areas relevant to the CSCC’s mission,
20 and recommend necessary enhancements or changes.

21 (f) STEERING COMMITTEE.—

22 (1) IN GENERAL.—The Secretary of State
23 should establish a Steering Committee composed of
24 senior representatives of United States Government
25 agencies relevant to the CSCC’s mission to provide

1 advice to the Secretary on the operations and stra-
2 tegic orientation of the CSCC and to ensure ade-
3 quate support for the CSCC.

4 (2) MEETINGS.—The Steering Committee
5 should meet not less often than once every six
6 months.

7 (3) LEADERSHIP.—The Steering Committee
8 should be chaired by the Under Secretary of State
9 for Public Diplomacy. The Coordinator for Counter-
10 terrorism of the Department of State should serve
11 as Vice Chair. The Coordinator of the CSCC should
12 serve as Executive Secretary.

13 (4) COMPOSITION.—

14 (A) IN GENERAL.—The Steering Com-
15 mittee should include one senior representative
16 designated by the head of each of the following
17 agencies:

18 (i) The Department of Defense.

19 (ii) The Department of Justice.

20 (iii) The Department of Homeland
21 Security.

22 (iv) The Department of the Treasury.

23 (v) The National Counterterrorism
24 Center of the Office of the Director of Na-
25 tional Intelligence.

1 (vi) The Joint Chiefs of Staff.

2 (vii) The Counterterrorism Center of
3 the Central Intelligence Agency.

4 (viii) The Broadcasting Board of Gov-
5 ernors.

6 (ix) The Agency for International De-
7 velopment.

8 (B) ADDITIONAL REPRESENTATION.—Rep-
9 resentatives from United States Government
10 agencies not specified in subparagraph (A) may
11 be invited to participate in the Steering Com-
12 mittee at the discretion of the Chair.

13 **Subtitle B—Consular Services and** 14 **Related Matters**

15 **SEC. 211. EXTENSION OF AUTHORITY TO ASSESS PASSPORT** 16 **SURCHARGE.**

17 Paragraph (2) of section 1(b) of the Act of June 4,
18 1920 (41 Stat. 750; chapter 223; 22 U.S.C. 214(b)), is
19 amended by striking “2010” and inserting “2015”.

20 **SEC. 212. BORDER CROSSING CARD FEE FOR MINORS.**

21 Section 410(a)(1)(A) of the Department of State and
22 Related Agencies Appropriations Act, 1999 (contained in
23 division A of Public Law 105–277) is amended by striking
24 “a fee of \$13” and inserting “a fee equal to one-half the
25 fee that would otherwise apply for processing a machine

1 readable combined border crossing identification card and
2 nonimmigrant visa”.

3 **Subtitle C—Reporting** 4 **Requirements**

5 **SEC. 221. REPORTING REFORM.**

6 The following provisions of law are repealed:

7 (1) Subsections (c)(4) and (c)(5) of section 601
8 of Public Law 96–465.

9 (2) Section 585 in the matter under section
10 101(c) of division A of Public Law 104–208.

11 (3) Section 11(b) of Public Law 107–245.

12 **TITLE III—ORGANIZATION AND** 13 **PERSONNEL AUTHORITIES**

14 **SEC. 301. SUSPENSION OF FOREIGN SERVICE MEMBERS** 15 **WITHOUT PAY.**

16 (a) **SUSPENSION.**—Section 610 of the Foreign Serv-
17 ice Act of 1980 (22 U.S.C. 4010) is amended by adding
18 at the end the following new subsection:

19 “(c)(1) In order to promote the efficiency of the Serv-
20 ice, the Secretary may suspend a member of the Foreign
21 Service without pay when the member’s security clearance
22 is suspended or when there is reasonable cause to believe
23 that the member has committed a crime for which a sen-
24 tence of imprisonment may be imposed.

1 “(2) Any member of the Foreign Service for whom
2 a suspension is proposed in accordance with paragraph (1)
3 shall be entitled to—

4 “(A) written notice stating the specific reasons
5 for the proposed suspension;

6 “(B) a reasonable time to respond orally and in
7 writing to the proposed suspension;

8 “(C) representation by an attorney or other
9 representative; and

10 “(D) a final written decision, including the spe-
11 cific reasons for such decision, as soon as prac-
12 ticable.

13 “(3) Any member suspended under this section may
14 file a grievance in accordance with the procedures applica-
15 ble to grievances under chapter 11.

16 “(4) In the case of a grievance filed under paragraph
17 (3)—

18 “(A) the review by the Foreign Service Griev-
19 ance Board shall be limited to a determination of
20 whether the provisions of paragraphs (1) and (2)
21 have been fulfilled; and

22 “(B) the Foreign Service Grievance Board may
23 not exercise the authority provided under section
24 1106(8).

25 “(5) In this subsection:

1 “(A) The term ‘reasonable time’ means—

2 “(i) with respect to a member of the For-
3 foreign Service assigned to duty in the United
4 States, 15 days after receiving notice of the
5 proposed suspension; and

6 “(ii) with respect to a member of the For-
7 foreign Service assigned to duty outside the
8 United States, 30 days after receiving notice of
9 the proposed suspension.

10 “(B) The term ‘suspend’ or ‘suspension’ means
11 the placing of a member of the Foreign Service in
12 a temporary status without duties and pay.”.

13 (b) CONFORMING AND CLERICAL AMENDMENTS.—

14 (1) AMENDMENT OF SECTION HEADING.—Sec-
15 tion 610 of the Foreign Service Act of 1980, as
16 amended by subsection (a) of this section, is further
17 amended, in the section heading, by inserting “;
18 SUSPENSION” before the period at the end.

19 (2) CLERICAL AMENDMENT.—The item relating
20 to section 610 in the table of contents in section 2
21 of the Foreign Service Act of 1980 is amended to
22 read as follows:

“Sec. 610. Separation for cause; suspension.”.

1 **SEC. 302. REPEAL OF RECERTIFICATION REQUIREMENT**
2 **FOR SENIOR FOREIGN SERVICE.**

3 Section 305(d) of the Foreign Service Act of 1980
4 (22 U.S.C. 3945(d)) is repealed.

5 **SEC. 303. LIMITED APPOINTMENTS IN THE FOREIGN SERV-**
6 **ICE.**

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

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

11 (2) in subsection (b)—

12 (A) in paragraph (3)—

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

14 (ii) by inserting before the semicolon

15 at the end the following: “, or (B), the ca-

16 reer candidate is serving in the uniformed

17 services, as defined by the Uniformed Serv-

18 ices Employment and Reemployment

19 Rights Act of 1994 (38 U.S.C. 4301 et

20 seq.), and the limited appointment expires

21 in the course of such service”;

22 (B) in paragraph (4), by striking “and” at

23 the end;

24 (C) in paragraph (5), by striking the pe-

25 riod at the end and inserting “; and”; and

1 (D) by adding after paragraph (5) the fol-
2 lowing new paragraph:

3 “(6) in exceptional circumstances where the Sec-
4 retary determines the needs of the Service require the ex-
5 tension of a limited appointment (A), for a period of time
6 not to exceed 12 months (if such period of time does not
7 permit additional review by boards under section 306), or
8 (B), for the minimum time needed to settle a grievance,
9 claim, or complaint not otherwise provided for in this sec-
10 tion.”; and

11 (3) by adding at the end the following new sub-
12 section:

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

19 **SEC. 304. LIMITATION OF COMPENSATORY TIME OFF FOR**
20 **TRAVEL.**

21 Section 5550b of title 5, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(c) The maximum amount of compensatory time off
25 earned under this section may not exceed 104 hours dur-

1 ing any leave year (as defined by regulations established
2 by the Office of Personnel Management).”.

3 **SEC. 305. DEPARTMENT OF STATE ORGANIZATION.**

4 The Secretary of State may, after consultation with
5 the appropriate congressional committees, transfer to such
6 other officials or offices of the Department of State as
7 the Secretary may determine from time to time any au-
8 thority, duty, or function assigned by statute to the Coor-
9 dinator for Counterterrorism, the Coordinator for Recon-
10 struction and Stabilization, or the Coordinator for Inter-
11 national Energy Affairs.

12 **SEC. 306. REEMPLOYMENT OF ANNUITANTS IN HIGH-RISK**
13 **POSTS.**

14 Subparagraph 2(A) of section 824(g) of the Foreign
15 Service Act of 1980 (22 U.S.C. 4064(g)(2)(A)) is amend-
16 ed by striking “2010” and inserting “2013”.

17 **SEC. 307. OVERSEAS FOREIGN SERVICE PAY.**

18 Subject to the limitation described in section
19 101(1)(C) of this Act, the authority provided by section
20 1113 of the Public Law 111–32, shall remain in effect
21 through September 30, 2013.

1 **TITLE IV—UNITED STATES**
2 **INTERNATIONAL BROAD-**
3 **CASTING**

4 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **INTERNATIONAL BROADCASTING.**

6 The following amounts are authorized to be appro-
7 priated to carry out United States international broad-
8 casting activities under the United States Information and
9 Educational Exchange Act of 1948, the Radio Broad-
10 casting to Cuba Act, the Television Broadcasting to Cuba
11 Act, the United States International Broadcasting Act of
12 1994, and the Foreign Affairs Reform and Restructuring
13 Act of 1998, and to carry out other authorities in law con-
14 sistent with such purposes:

15 (1) For “International Broadcasting Oper-
16 ations”, \$744,500,000 for fiscal year 2013.

17 (2) For “Broadcasting Capital Improvements”,
18 \$7,030,000 for fiscal year 2013.

19 **SEC. 402. PERSONAL SERVICES CONTRACTING PROGRAM.**

20 Section 504(c) of the Foreign Relations Authoriza-
21 tion Act, Fiscal Year 2003, (Public Law 107–228; 22
22 U.S.C. 6206 note), is amended by striking “2009” and
23 inserting “2015”.

1 **SEC. 403. TECHNICAL AMENDMENT RELATING TO CIVIL IM-**
2 **MUNITY FOR BROADCASTING BOARD OF GOV-**
3 **ERNORS MEMBERS.**

4 Section 304(g) of the United States International
5 Broadcasting Act of 1994 (22 U.S.C. 6203(g)) is amended
6 by striking “Incorporated and Radio Free Asia” and in-
7 serting “Incorporated, Radio Free Asia, and Middle East
8 Broadcasting Networks”.

9 **TITLE V—ARMS EXPORT CON-**
10 **TROL ACT AMENDMENTS AND**
11 **RELATED PROVISIONS**

12 **Subtitle A—General Provisions**

13 **SEC. 501. AUTHORITY TO TRANSFER EXCESS DEFENSE AR-**
14 **TICLES.**

15 Section 516(g)(1) of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2321j(g)(1)) is amended—

17 (1) by inserting “authorized to be” before
18 “transferred”; and

19 (2) by striking “425,000,000” and inserting
20 “450,000,000”.

21 **SEC. 502. ANNUAL MILITARY ASSISTANCE REPORT.**

22 (a) **INFORMATION RELATING TO MILITARY ASSIST-**
23 **ANCE AND MILITARY EXPORTS.**—Section 655(b) of the
24 Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is
25 amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “whether such defense articles—” and in-
3 sserting “the following:”;

4 (2) in paragraph (1)—

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

7 (B) by striking the semicolon at the end
8 and inserting a period;

9 (3) in paragraph (2)—

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

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

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

16 “(3) Whether such defense articles were ex-
17 ported without a license under section 38 of the
18 Arms Export Control Act pursuant to an exemption
19 established under the International Traffic in Arms
20 Regulations, other than defense articles exported in
21 furtherance of a letter of offer and acceptance under
22 the Foreign Military Sales program or a technical
23 assistance or manufacturing license agreement, in-
24 cluding the specific exemption in the regulation
25 under which the export was made.

1 “(4) A detailed listing, by United States Muni-
2 tions List category and sub-category, as well as by
3 country and by international organization, of the ac-
4 tual total dollar value of major defense equipment
5 and defense articles delivered pursuant to licenses
6 authorized under section 38 of the Arms Export
7 Control Act for the previous fiscal year.

8 “(5) In the case of defense articles that are
9 firearms controlled under category I of the United
10 States Munitions List, a statement of the aggregate
11 dollar value and quantity of semiautomatic assault
12 weapons, or spare parts for such weapons, the man-
13 ufacture, transfer, or possession of which is unlawful
14 under section 922 of title 18, United States Code,
15 that were licensed for export during the period cov-
16 ered by the report.”.

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

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the fol-
23 lowing:

24 “(c) INFORMATION NOT REQUIRED.—Each such re-
25 port may exclude information relating to—

1 “(1) exports of defense articles (including ex-
2 cess defense articles), defense services, and inter-
3 national military education and training activities
4 authorized by the United States on a temporary
5 basis;

6 “(2) exports of such articles, services, and ac-
7 tivities to United States Government end users lo-
8 cated in foreign countries; and

9 “(3) and the value of manufacturing license
10 agreements or technical assistance agreements li-
11 censed under section 38 of the Arms Export Control
12 Act.”.

13 **SEC. 503. ANNUAL REPORT ON FOREIGN MILITARY TRAIN-**
14 **ING.**

15 Section 656(a)(1) of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2416(a)(1)) is amended by striking
17 “January 31” and inserting “March 1”.

18 **SEC. 504. INCREASED FLEXIBILITY FOR USE OF DEFENSE**
19 **TRADE CONTROL REGISTRATION FEES.**

20 (a) IN GENERAL.—Section 45 of the State Depart-
21 ment Basic Authorities Act of 1956 (22 U.S.C. 2717) is
22 amended—

23 (1) in the first sentence—

24 (A) by striking “For” and inserting “(a)

25 IN GENERAL.—For”; and

1 (B) by striking “Office” and inserting “Di-
2 rectorate”; and

3 (2) by amending the second sentence to read as
4 follows:

5 “(b) AVAILABILITY OF FEES.—Fees credited to the
6 account referred to in subsection (a) shall be available only
7 for payment of expenses incurred for—

8 “(1) management;

9 “(2) licensing;

10 “(3) compliance;

11 “(4) policy activities; and

12 “(5) public outreach.”.

13 (b) CONFORMING AMENDMENT.—Section
14 38(b)(3)(A) of the Arms Export Control Act (22 U.S.C.
15 2778(b)(3)(A)) is amended to read as follows:

16 “(3)(A) For each fiscal year, 100 percent of registra-
17 tion fees collected pursuant to paragraph (1) shall be cred-
18 ited to a Department of State account, to be available
19 without fiscal year limitation. Fees credited to that ac-
20 count shall be available only for the payment of expenses
21 incurred for—

22 “(i) management;

23 “(ii) licensing;

24 “(iii) compliance;

25 “(iv) policy activities; and

1 “(v) public outreach.”.

2 **SEC. 505. INCREASE IN CONGRESSIONAL NOTIFICATION**
3 **THRESHOLDS.**

4 (a) FOREIGN MILITARY SALES.—

5 (1) IN GENERAL.—Section 36(b)(1) of the
6 Arms Export Control Act (22 U.S.C. 2776(b)(1)) is
7 amended—

8 (A) in the matter preceding subparagraph

9 (A)—

10 (i) by striking “\$50,000,000” and in-
11 sserting “\$100,000,000”;

12 (ii) by striking “\$200,000,000” and
13 inserting “\$300,000,000”; and

14 (iii) by striking “\$14,000,000” and
15 inserting “\$25,000,000”; and

16 (B) in the matter following subparagraph

17 (P)—

18 (i) by inserting “of any defense arti-
19 cles or defense services under this Act for
20 \$200,000,000 or more, any design and
21 construction services for \$300,000,000 or
22 more, or any major defense equipment for
23 \$75,000,000 or more,” after “The letter of
24 offer shall not be issued, with respect to a
25 proposed sale”; and

1 (ii) by inserting “of any defense arti-
2 cles or services under this Act for
3 \$100,000 or more, any design and con-
4 struction services for \$200,000,000 or
5 more, or any major defense equipment for
6 \$50,000,000 or more,” after “or with re-
7 spect to a proposed sale”.

8 (2) TECHNICAL AND CONFORMING AMEND-
9 MENTS.—Section 36(b) of the Arms Export Control
10 Act (22 U.S.C. 2776(b)) is amended—

11 (A) in paragraph (5)(C), by striking “Sub-
12 ject to paragraph (6), if” and inserting “If”;
13 and

14 (B) by striking paragraph (6).

15 (b) COMMERCIAL SALES.—Section 36(c) of the Arms
16 Export Control Act (22 U.S.C. 2776(c)) is amended—

17 (1) in paragraph (1)—

18 (A) by striking “Subject to paragraph (5),
19 in” and inserting “In”;

20 (B) by striking “\$14,000,000” and insert-
21 ing “\$25,000,000”; and

22 (C) by striking “\$50,000,000” and insert-
23 ing “\$100,000,000”;

24 (2) in paragraph (2)—

1 (A) in subparagraph (A), by inserting after
2 “for an export” the following: “of any major
3 defense equipment sold under a contract in the
4 amount of \$75,000,000 or more or of defense
5 articles or defense services sold under a con-
6 tract in the amount of \$200,000,000 or more,
7 (or, in the case of a defense article that is a
8 firearm controlled under category I of the
9 United States Munitions List, \$1,000,000 or
10 more)”; and

11 (B) in subparagraph (C), by inserting after
12 “license” the following: “for an export of any
13 major defense equipment sold under a contract
14 in the amount of \$50,000,000 or more or of de-
15 fense articles or defense services sold under a
16 contract in the amount of \$100,000,000 or
17 more, (or, in the case of a defense article that
18 is a firearm controlled under category I of the
19 United States Munitions List, \$1,000,000 or
20 more)”; and

21 (3) by striking paragraph (5); and

22 (4) by redesignating paragraph (6) as para-
23 graph (5).

1 **SEC. 506. RETURN OF DEFENSE ARTICLES.**

2 Section 21(m)(1)(B) of the Arms Export Control Act
3 (22 U.S.C. 2761(m)(1)(B)) is amended by adding at the
4 end before the semicolon the following: “, unless the Sec-
5 retary of State has provided prior approval of such re-
6 transfer”.

7 **SEC. 507. ANNUAL ESTIMATE AND JUSTIFICATION FOR**
8 **SALES PROGRAM.**

9 (a) IN GENERAL.—Section 25(a)(1) of the Arms Ex-
10 port Control Act (22 U.S.C. 2765(a)(1)) is amended by
11 striking “, together with an indication of which sales and
12 licensed commercial exports” and inserting “and”.

13 (b) ADDITIONAL AMENDMENT.—Section 25(a)(3) of
14 the Arms Export Control Act (22 U.S.C. 2765(a)(3)) is
15 amended by adding at the end before the semicolon the
16 following: “, as well as any plan for regional security co-
17 operation developed in consultation with Embassy Country
18 Teams and the Department of State”.

19 **SEC. 508. UPDATING AND CONFORMING PENALTIES FOR**
20 **VIOLATIONS OF SECTIONS 38 AND 39 OF THE**
21 **ARMS EXPORT CONTROL ACT.**

22 (a) IN GENERAL.—Section 38(c) of the Arms Export
23 Control Act (22 U.S.C. 2778(c)) is amended to read as
24 follows:

25 “(c) VIOLATIONS OF THIS SECTION AND SECTION
26 39.—

1 “(1) UNLAWFUL ACTS.—It shall be unlawful
2 for any person to violate, attempt to violate, conspire
3 to violate, or cause a violation of any provision of
4 this section or section 39, or any rule or regulation
5 issued under either section, or a treaty referred to
6 in subsection (j)(1)(c)(i), including any rule or regu-
7 lation issued to implement or enforce a treaty re-
8 ferred to in subsection (j)(1)(c)(i) or an imple-
9 menting arrangement pursuant to such a treaty, or
10 who, in a registration or license application or re-
11 quired report, makes any untrue statement of a ma-
12 terial fact or omits to state a material fact required
13 to be stated therein or necessary to make the state-
14 ments therein not misleading.

15 “(2) CRIMINAL PENALTIES.—A person who
16 willfully commits an unlawful act described in para-
17 graph (1) shall upon conviction—

18 “(A) be fined for each violation in an
19 amount not to exceed \$1,000,000, or

20 “(B) in the case of a natural person, im-
21 prisoned for not more than 20 years or both.”.

22 (b) MECHANISMS TO IDENTIFY VIOLATORS.—Sec-
23 tion 38(g) of the Arms Export Control Act (22 U.S.C.
24 2778(g)) is amended—

25 (1) in paragraph (1)—

1 (A) in subparagraph (A)—

2 (i) in the matter preceding clause (i),
3 by inserting “or have otherwise been
4 charged with,” after “indictment for,”;

5 (ii) in clause (xi), by striking “; or” at
6 the end and inserting a comma;

7 (iii) in clause (xii), by striking the
8 semicolon at the end and inserting a
9 comma; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(xiii) section 542 of title 18, United
13 States Code, relating to entry of goods by
14 means of false statements,

15 “(xiv) section 554 of title 18, United
16 States Code, relating to smuggling goods
17 from the United States,

18 “(xv) section 1831 of title 18, United
19 States Code, relating to economic espio-
20 nage,

21 “(xvi) section 545 of title 18, United
22 States Code, relating to smuggling goods
23 into the United States,

24 “(xvii) section 104A of the Foreign
25 Corrupt Practices Act of 1977 (15 U.S.C.

1 78dd–3), relating to prohibited foreign
2 trade practices by persons other than
3 issuers or domestic concerns,

4 “(xviii) section 2339B of title 18,
5 United States Code, relating to providing
6 material support or resources to dedicated
7 foreign terrorist organizations, or

8 “(xix) sections 2339C and 2339D of
9 title 18, United States Code, relating to fi-
10 nancing terrorism and receiving terrorism
11 training;” and

12 (B) in subparagraph (B), by inserting “,
13 have been otherwise charged,” after “indict-
14 ment”; and

15 (2) in paragraph (3)(A), by inserting “or other-
16 wise charged with” after “indictment for”.

17 (c) **EFFECTIVE DATE.**—The amendment made by
18 subsection (a) shall take effect on the date of the enact-
19 ment of this Act and shall apply with respect to violations
20 of sections 38 and 39 of the Arms Export Control Act
21 committed on or after that date.

1 **SEC. 509. CLARIFICATION OF PROHIBITIONS RELATING TO**
2 **STATE SPONSORS OF TERRORISM AND THEIR**
3 **NATIONALS.**

4 Section 40(d) of the Arms Export Control Act (22
5 U.S.C. 2780(d)) is amended—

6 (1) by inserting “or to the nationals of that
7 country whose substantive contacts with that coun-
8 try give reasonable grounds for raising risk of diver-
9 sion, regardless of whether such persons maintain
10 such nationality or the nationality of another coun-
11 try not covered by this section” after “with respect
12 to a country”; and

13 (2) by adding at the end the following: “For
14 purposes of this subsection, the term ‘national’
15 means an individual who acquired citizenship by
16 birth from a country that is subject to section 126.1
17 of title 22, Code of Federal Regulations (or any suc-
18 cessor regulations).”.

19 **SEC. 510. EXEMPTION FOR TRANSACTIONS WITH COUN-**
20 **TRIES SUPPORTING ACTS OF INTER-**
21 **NATIONAL TERRORISM.**

22 Section 40(h) of the Arms Export Control Act (22
23 U.S.C. 2780(h)) is amended—

24 (1) in the heading—

25 (A) by striking “EXEMPTION” and insert-
26 ing “EXEMPTIONS”; and

1 (B) by adding “AND CERTAIN FEDERAL
2 LAW ENFORCEMENT ACTIVITIES” after “RE-
3 PORTING REQUIREMENTS”; and

4 (2) by adding at the end before the period the
5 following: “or with respect to Federal law enforce-
6 ment activities undertaken to further the investiga-
7 tion of violations of this Act”.

8 **SEC. 511. REPORT ON FOREIGN MILITARY FINANCING PRO-**
9 **GRAM.**

10 Section 23 of the Arms Export Control Act (22
11 U.S.C. 2763) is amended by adding at the end the fol-
12 lowing:

13 “(i) REPORT.—

14 “(1) IN GENERAL.—The President shall trans-
15 mit to the appropriate congressional committees as
16 part of the supporting materials of the annual con-
17 gressional budget justification a report on the imple-
18 mentation of this section for the prior fiscal year.

19 “(2) MATTERS TO BE INCLUDED.—The report
20 required under paragraph (1) shall include a de-
21 scription of the following:

22 “(A) The extent to which the use of the
23 authority of this section is based on a well-for-
24 mulated and realistic assessments of the capa-

1 bility requirements of foreign countries and
2 international organizations.

3 “(B) The extent to which the provision of
4 grants under the authority of this section are
5 consistent with United States conventional arms
6 transfer policy.

7 “(C) The extent to which the Department
8 of State has developed and implemented specific
9 plans to monitor and evaluate outcomes under
10 the authority of this section, including at least
11 one country or international organization as-
12 sessment each fiscal year.

13 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—In this subsection, the term ‘appropriate
15 congressional committees’ means—

16 “(A) the Committee on Appropriations and
17 the Committee on Foreign Affairs of the House
18 of Representatives; and

19 “(B) the Committee on Appropriations and
20 the Committee on Foreign Relations of the Sen-
21 ate.”.

1 **SEC. 512. CONGRESSIONAL NOTIFICATION OF REGULA-**
2 **TIONS AND AMENDMENTS TO REGULATIONS**
3 **UNDER SECTION 38 OF THE ARMS EXPORT**
4 **CONTROL ACT.**

5 (a) **IN GENERAL.**—Section 38 of the Arms Export
6 Control Act (22 U.S.C. 2778) is amended by adding at
7 the end the following:

8 “(k) **CONGRESSIONAL NOTIFICATION.**—The Presi-
9 dent shall submit to the Committee on Foreign Affairs of
10 the House of Representatives and the Committee on For-
11 eign Relations of the Senate a copy of regulations or
12 amendments to regulations issued to carry out this section
13 at least 30 days before publication of the regulations or
14 amendments in the Federal Register unless, after con-
15 sulting with such Committees, the President determines
16 that there is an emergency that requires a shorter period
17 of time for submittal of such regulations or amend-
18 ments.”.

19 (b) **EFFECTIVE DATE.**—The amendment made by
20 subsection (a) takes effect on the date of the enactment
21 of this Act and applies with respect the issuance of regula-
22 tions or amendments to regulations made on or after the
23 date of the enactment of this Act.

1 **SEC. 513. DIPLOMATIC EFFORTS TO STRENGTHEN NA-**
2 **TIONAL AND INTERNATIONAL ARMS EXPORT**
3 **CONTROLS.**

4 Not later than one year after the date of the enact-
5 ment of this Act, and annually thereafter for 4 years, the
6 President shall transmit to the appropriate congressional
7 committees a report on United States diplomatic efforts
8 to strengthen national and international arms export con-
9 trols, including a detailed description of any senior-level
10 initiative, to ensure that those arms export controls are
11 comparable to and supportive of United States arms ex-
12 port controls, particularly with respect to countries of con-
13 cern to the United States.

14 **SEC. 514. REVIEW AND REPORT OF INVESTIGATIONS OF**
15 **VIOLATIONS OF SECTION 3 OF THE ARMS EX-**
16 **PORT CONTROL ACT.**

17 (a) REVIEW.—The Inspector General of the Depart-
18 ment of State shall conduct a review of investigations by
19 the Department of State during each of fiscal years 2013
20 through 2017 of any and all possible violations of section
21 3 of the Arms Export Control Act (22 U.S.C. 2753) with
22 respect to misuse of United States-origin defense items to
23 determine whether the Department of State has fully com-
24 plied with the requirements of such section, as well as its
25 own internal procedures (and whether such procedures are
26 adequate), for reporting to Congress any information re-

1 guarding the unlawful use or transfer of United States-ori-
2 gin defense articles, defense services, and technology by
3 foreign countries, as required by such section.

4 (b) REPORT.—The Inspector General of the Depart-
5 ment of State shall submit to the Committee on Foreign
6 Affairs of the House of Representatives and the Com-
7 mittee on Foreign Relations of the Senate for each of fis-
8 cal years 2013 through 2017 a report that contains the
9 findings and results of the review conducted under sub-
10 section (a). The report shall be submitted in unclassified
11 form to the maximum extent possible, but may include a
12 classified annex.

13 **SEC. 515. REPORTS ON COMMERCIAL AND GOVERNMENTAL**
14 **MILITARY EXPORTS UNDER THE ARMS EX-**
15 **PORT CONTROL ACT; CONGRESSIONAL AC-**
16 **TIONS.**

17 (a) CONGRESSIONAL CONSULTATION.—

18 (1) GOVERNMENT SALES.—Section 36(b)(1) of
19 the Arms Export Control Act (22 U.S.C.
20 2776(b)(1)) is amended by adding at the end the
21 following: “The President shall consult fully and
22 completely with the Committee on Foreign Affairs of
23 the House of Representatives and the Committee on
24 Foreign Relations of the Senate before submitting a
25 certification under this subsection.”.

1 (2) COMMERCIAL SALES.—Section 36(c)(1) of
2 the Arms Export Control Act (22 U.S.C.
3 2776(c)(1)) is amended by adding at the end the fol-
4 lowing: “The President shall consult fully and com-
5 pletely with the Committee on Foreign Affairs of the
6 House of Representatives and the Committee on
7 Foreign Relations of the Senate before submitting a
8 certification under this subsection.”.

9 (b) REQUIREMENT TO PROVIDE ADVANCE NOTIFICA-
10 TION AND CONSULTATION ON CERTAIN SALES AND EX-
11 PORTS.—Section 36 of the Arms Export Control Act (22
12 U.S.C. 2776) is amended by adding at the end the fol-
13 lowing new subsection:

14 “(i)(1)(A) Not later than 60 calendar days prior to
15 the submission of a certification under subsection (b), (c),
16 or (d) of this section, the President shall provide advance
17 notification in writing to, and consult with, the chairs and
18 ranking minority members of the appropriate congress-
19 sional committees of the offer to sell or export the defense
20 articles or defense services with respect to which such a
21 certification is required to be submitted pursuant to any
22 such subsection.

23 “(B)(i) The requirement of subparagraph (A) to pro-
24 vide 60 calendar days advance notification in writing to
25 the chairs and ranking minority members of the appro-

1 piate congressional committees shall not apply if the
2 chairs and ranking minority members of the appropriate
3 congressional committees have agreed, at their discretion,
4 to waive such requirement.

5 “(ii) The requirements of subparagraph (A) shall not
6 apply if the President states in the certification that an
7 emergency exists that requires the sale or export of de-
8 fense articles or defense services to be in the national secu-
9 rity interests of the United States in accordance with sub-
10 section (b), (c), or (d) of this section.

11 “(2)(A) A certification submitted under subsection
12 (b), (c), or (d) of this section shall be subject to the proce-
13 dures applicable to reprogramming notifications under
14 section 634A(a) of the Foreign Assistance Act of 1961.

15 “(B) The requirement of subparagraph (A) shall not
16 apply if the President transmits to the chairs and ranking
17 minority members of the appropriate congressional com-
18 mittees a report in writing that contains a determination
19 of the President that extraordinary circumstances exist
20 which necessitates the obviation of such requirement and
21 a detailed description of such circumstances.”

22 (c) DEFINITION.—Section 36(e) of the Arms Export
23 Control Act (22 U.S.C. 2776(e)) is amended—

24 (1) by redesignating paragraphs (1) and (2) as
25 paragraphs (2) and (3), respectively; and

1 (2) by inserting before paragraph (2) (as redesi-
2 gnated) the following new paragraph:

3 “(1) the term ‘appropriate congressional com-
4 mittee’ means—

5 “(A) the Committee on Foreign Affairs of
6 the House of Representatives; and

7 “(B) the Committee on Foreign Relations
8 of the Senate;”.

9 (d) CONFORMING AMENDMENTS.—Section 36 of the
10 Arms Export Control Act (22 U.S.C. 2776) is amended—

11 (1) in subsections (a), (b)(1), (c)(1), and (f), by
12 striking “Speaker of the House of Representatives
13 and to the chairman of the Committee on Foreign
14 Relations of the Senate” and inserting “chairs of the
15 appropriate congressional committees”;

16 (2) in subsection (b)—

17 (A) in paragraph (1), by striking “such
18 committee or the Committee on Foreign Affairs
19 of the House of Representatives” and inserting
20 “either chair of the appropriate congressional
21 committees”;

22 (B) in paragraph (4), by striking “Con-
23 gress” and inserting “chairs of the appropriate
24 congressional committees”; and

25 (C) in paragraph (5)—

1 (i) in subparagraph (A), by striking
2 “chairman of the Committee on Foreign
3 Affairs of the House of Representatives
4 and the chairman of the Committee on
5 Foreign Relations of the Senate” and in-
6 serting “chairs of the appropriate congres-
7 sional committees”;

8 (ii) in subparagraph (B), by striking
9 “Congress” and inserting “chairs of the
10 appropriate congressional committees”;
11 and

12 (iii) in subparagraph (C), by striking
13 “Speaker of the House of Representatives
14 and the chairman of the Committee on
15 Foreign Relations of the Senate” and in-
16 serting “chairs of the appropriate congres-
17 sional committees”; and

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “such
20 committee or the Committee on Foreign Affairs
21 of the House of Representatives” and inserting
22 “either chair of the appropriate congressional
23 committees”;

24 (B) in subparagraphs (A) and (C) of para-
25 graph (2), by striking “Congress receives” and

1 inserting “chairs of the appropriate congress-
2 sional committees receive”; and

3 (C) in paragraph (4), by striking “Con-
4 gress” each place it appears and inserting “the
5 chairs of the appropriate congressional commit-
6 tees”.

7 **Subtitle B—Miscellaneous** 8 **Provisions**

9 **SEC. 521. TREATMENT OF MILITARILY INSIGNIFICANT** 10 **PARTS AND COMPONENTS.**

11 It shall be the policy of the United States, pursuant
12 to section 38(f) of the Arms Export Control Act (22
13 U.S.C. 2778) to prioritize the removal of those militarily
14 insignificant parts, components, accessories, and attach-
15 ments from the United States Munitions List that, even
16 if specifically designed for a defense article controlled on
17 the United States Munitions List, would warrant no more
18 than anti-terrorism controls under the Export Administra-
19 tion Act of 1979 (as continued in effect under the Inter-
20 national Emergency Economic Powers Act) or any suc-
21 cessor Act.

1 **SEC. 522. SPECIAL EXPORT LICENSING FOR UNITED**
2 **STATES ALLIES.**

3 Section 38 of the Arms Export Control Act (22
4 U.S.C. 2778), as amended by this Act, is further amended
5 by adding the following new subsection:

6 “(1) SPECIAL EXPORT LICENSING FOR UNITED
7 STATES ALLIES.—The President may establish special li-
8 censing procedures for the export of replacement compo-
9 nents, parts, accessories, attachments, equipment,
10 firmware, software or technology that are not designated
11 as major defense equipment or significant military equip-
12 ment to the North Atlantic Treaty Organization, any
13 member country of that Organization, or any other coun-
14 try described in section 36(c)(2)(A) of this Act.”.

15 **SEC. 523. IMPROVING AND STREAMLINING LICENSING**
16 **UNDER UNITED STATES GOVERNMENT ARMS**
17 **EXPORT CONTROL PROGRAMS.**

18 In implementing reforms of United States arms ex-
19 port control programs, the President should prioritize the
20 development of a new framework to improve and stream-
21 line licensing under such programs, including by seeking
22 to revise the Special Comprehensive Export Authoriza-
23 tions for the North Atlantic Treaty Organization, any
24 member country of that Organization, or any other coun-
25 try described in section 36(c)(2)(A) of the Arms Export
26 Control Act (22 U.S.C. 2776(c)(2)(A)) under section

1 126.14 of title 15, Code of Federal Regulations (relating
2 to the International Traffic in Arms Regulations).

3 **SEC. 524. AUTHORITY TO REMOVE SATELLITES AND RE-**
4 **LATED COMPONENTS FROM THE UNITED**
5 **STATES MUNITIONS LIST.**

6 (a) **AUTHORITY.**—Subject to subsection (b), the
7 President is authorized to remove commercial satellites
8 and related components and technology from the United
9 States Munitions List pursuant to section 38(f) of the
10 Arms Export Control Act (22 U.S.C. 2778(f)).

11 (b) **DETERMINATION.**—The President may exercise
12 the authority provided in subsection (a) only if the Presi-
13 dent submits to the appropriate congressional committees
14 a determination that the transfer of commercial satellites
15 and related components and technology from the United
16 States Munitions List does not pose an unacceptable risk
17 to the national security of the United States. Such deter-
18 mination shall include a description of the risk-mitigating
19 controls, procedures, and safeguards the President will put
20 in place to reduce such risk to an absolute minimum.

21 (c) **PROHIBITION.**—No license or other authorization
22 for export shall be granted for the transfer, retransfer, or
23 reexport of any commercial satellite or related component
24 or technology contained on the Commerce Control List

1 maintained under part 774 of title 15, Code of Federal
2 Regulations to any person or entity of the following:

3 (1) The People's Republic of China.

4 (2) Cuba.

5 (3) Iran.

6 (4) North Korea.

7 (5) Sudan.

8 (6) Syria.

9 (7) Any country with respect to which the
10 United States would deny the application for licenses
11 and other approvals for exports and imports of de-
12 fense articles under section 126.1 of title 15, Code
13 of Federal Regulations (relating to the International
14 Traffic in Arms Regulations).

15 (d) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, and annually
18 thereafter, the Director of National Intelligence shall
19 submit to the appropriate congressional committees
20 on efforts of state sponsors of terrorism, other for-
21 eign countries, or entities to illicitly acquire commer-
22 cial satellites and related components and tech-
23 nology.

1 (2) FORM.—Such report shall be submitted in
2 unclassified form, but may contain a classified
3 annex.

4 (e) DEFINITION.—In this section, the term “appro-
5 priate congressional committees” means—

6 (1) the Committees on Foreign Relations,
7 Armed Services, and Intelligence of the Senate; and

8 (2) the Committees on Foreign Affairs, Armed
9 Services, and Intelligence of the House of Represent-
10 atives.

11 **SEC. 525. REPORT ON LICENSES AND OTHER AUTHORIZA-**
12 **TIONS TO EXPORT COMMERCIAL SATELLITES**
13 **AND RELATED COMPONENTS AND TECH-**
14 **NOLOGY CONTAINED ON THE COMMERCE**
15 **CONTROL LIST.**

16 (a) IN GENERAL.—Not later than 60 days after the
17 end of each calendar quarter, the President shall transmit
18 to the Committee on Foreign Affairs of the House of Rep-
19 resentatives and the Committee on Banking, Finance, and
20 Urban Affairs of the Senate a report containing a listing
21 of all licenses and other authorizations to export commer-
22 cial satellites and related components and technology con-
23 tained on the Commerce Control List maintained under
24 part 774 of title 15, Code of Federal Regulations.

1 (b) FORM.—Such report shall be submitted in unclas-
2 sified form, but may contain a classified annex.

3 **SEC. 526. REVIEW OF UNITED STATES MUNITIONS LIST.**

4 Section 38(f)(1) of the Arms Export Control Act (22
5 U.S.C. 2778) is amended by striking the last sentence and
6 inserting the following: “Such notice shall include, to the
7 extent practicable, an enumeration of the item or items
8 to be removed and describe the nature of any controls to
9 be imposed on that item under any other provision of
10 law.”.

11 **SEC. 527. REPORT ON COUNTRY EXEMPTIONS FOR LICENS-**
12 **ING OF EXPORTS OF MUNITIONS AND RE-**
13 **LATED TECHNICAL DATA.**

14 (a) IN GENERAL.—Not later than 120 days after the
15 date of enactment of this Act, the Attorney General, the
16 Secretary of Commerce, and the Secretary of Homeland
17 Security shall submit to the appropriate congressional
18 committees a report that includes—

19 (1) an assessment of the extent to which the
20 terms and conditions of exemptions for foreign coun-
21 tries from the licensing requirements of the Com-
22 merce Munitions List (or analogous controls for
23 commercial satellites and related components and
24 technology) contain strong safeguards; and

1 (2) a compilation of sufficient documentation
2 relating to the export of munitions, commercial
3 spacecraft, and related technical data to facilitate
4 law enforcement efforts to effectively detect, inves-
5 tigate, deter and enforce criminal violations of any
6 provision of the Export Administration Regulations,
7 including efforts on the part of state sponsors of ter-
8 rorism, other countries or entities to illicitly acquire
9 such controlled United States technology.

10 (b) DEFINITIONS.—In this section—

11 (1) the term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Affairs and
14 the Committee on Homeland Security of the
15 House of Representatives; and

16 (B) the Committee on Banking, Housing,
17 and Urban Affairs and the Committee on
18 Homeland Security and Governmental Affairs
19 of the Senate; and

20 (2) the term “munitions” means—

21 (A) items transferred from the United
22 States Munitions List to the Commerce Control
23 List and designated as “600 series” items on
24 the Commerce Control List under the Export
25 Administration Regulations, as proposed by the

1 Bureau of Industry and Security of the Depart-
2 ment of Commerce on July 15, 2011 (76 F.R.
3 41958); or

4 (B) any successor regulations.

5 **SEC. 528. END-USE MONITORING OF MUNITIONS.**

6 (a) ESTABLISHMENT OF MONITORING PROGRAM.—

7 In order to ensure accountability with respect to the ex-
8 port of munitions and related technical data on the Com-
9 merce Munitions List, the President shall establish a pro-
10 gram to provide for the end-use monitoring of such muni-
11 tions and related technical data.

12 (b) REPORT TO CONGRESS.—Not later than 180 days
13 after the date of the enactment of this Act, and annually
14 thereafter, the President shall submit to Congress a report
15 describing the actions taken to implement this section, in-
16 cluding a detailed accounting of the costs and number of
17 personnel associated with the program established under
18 subsection (a).

19 (c) MUNITIONS.—In this section, the term “muni-
20 tions” means—

21 (1) items transferred from the United States
22 Munitions List to the Commerce Control List and
23 designated as “600 series” items on the Commerce
24 Control List under the Export Administration Regu-
25 lations, as proposed by the Bureau of Industry and

1 Security of the Department of Commerce on July
2 15, 2011 (76 F.R. 41958); or

3 (2) any successor regulations.

4 **SEC. 529. DEFINITIONS.**

5 In this subtitle:

6 (1) **COMMERCE MUNITIONS LIST.**—The term
7 “Commerce Munitions List” means—

8 (A) items transferred from the United
9 States Munitions List to the Commerce Control
10 List and designated as “600 series” items on
11 the Commerce Control List under the Export
12 Administration Regulations, as proposed by the
13 Bureau of Industry and Security of the Depart-
14 ment of Commerce on July 15, 2011 (76 F.R.
15 41958); or

16 (B) any successor regulations.

17 (2) **COMMERCIAL SATELLITES AND RELATED**
18 **COMPONENTS AND TECHNOLOGY.**—The term “com-
19 mercial satellites and related components and tech-
20 nology” means—

21 (A) communications satellites that do not
22 contain classified components, including remote
23 sensing satellites with performance parameters
24 below thresholds identified on the United States
25 Munitions List; and

1 (B) systems, subsystems, parts, and com-
2 ponents associated with such satellites and with
3 performance parameters below thresholds speci-
4 fied for items that would remain on the United
5 States Munitions List.

6 (3) EXPORT ADMINISTRATION REGULATIONS.—
7 The term “Export Administration Regulations”
8 means—

9 (A) the Export Administration Regulations
10 as maintained and amended under the authority
11 of the International Emergency Economic Pow-
12 ers Act (50 U.S.C. 1701 et seq.); or

13 (B) any successor regulations.

14 (4) STATE SPONSOR OF TERRORISM.—The term
15 “state sponsor of terrorism” means a country the
16 government of which has been determined by the
17 Secretary of State, for purposes of section 6(j) of
18 the Export Administration Act of 1979 (as contin-
19 ued in effect under the International Emergency
20 Economic Powers Act), section 620A of the Foreign
21 Assistance Act of 1961, section 40 of the Arms Ex-
22 port Control Act, or any other provision of law, is
23 a government that has repeatedly provided support
24 for acts of international terrorism.

1 (5) UNITED STATES MUNITIONS LIST.—The
2 term “United States Munitions List” means the list
3 referred to in section 38(a)(1) of the Arms Export
4 Control Act (22 U.S.C. 2778(a)(1)).

○