

# **Title I: Reducing Global Poverty and Alleviating Human Suffering**

## **Global Partnerships Act of 2011**

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**Overview:** Title I streamlines and modernizes the basic authorities for development and humanitarian assistance, transforming the donor-recipient relationship to one of partnership and focusing the process on achieving results. Subtitle A, relating to poverty reduction, includes chapters for each development goal, establishing principles and guidelines for the preparation of strategies and the provision of assistance. Subtitle B creates the framework for disaster and emergency aid.

**Related sections of law:** Title I replaces most of Part I of the Foreign Assistance Act of 1961, other than debt-for-nature exchanges (included in Title VI) and international narcotics control (included in Title V).

### **Key provisions:**

- Requires a comprehensive U.S. strategy for global development every 4 years
- Establishes procedures for preparing Country Development Cooperation Strategies and sector strategies every 3-5 years
- Identifies 8 goals for development assistance: (1) accelerating economic growth, (2) promoting food security, (3) advancing health, (4) expanding education, (5) protecting and restoring the natural environment, (6) improving access to safe water, sanitation and shelter, (7) fostering equal opportunity, and (8) strengthening democratic governance.
- Creates a separate subtitle for humanitarian aid and articulates, for the first time in U.S. law, a set of humanitarian principles to guide U.S. international disaster and relief efforts
- Establishes a Development Support Fund to support country strategies and sectoral programs, and requires that funding for multi-year strategies be set aside in full at the outset
- Authorizes an Innovation Fund to support social entrepreneurship, innovative projects, and scalable activities
- Creates a central fund for microenterprise development targeted exclusively to the very poor
- Establishes a new Emergency Humanitarian Response Fund to cover urgent needs such as food, shelter, water, sanitation and medicine
- Improves the functioning of the Emergency Refugee and Migration Assistance fund
- Mandates a Development Policy Committee to oversee and coordinate all U.S. budgets, policies, strategies and programs affecting developing countries
- Establishes a Global Development Council to provide the President with advice and input on development issues from foundations, businesses, nongovernmental organizations and academia

**Proposed By Ranking Member Howard L. Berman**

## **Title II: Advancing Peace and Mitigating Conflict**

### **Global Partnerships Act of 2011**

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**Overview:** The purpose of this title is to strengthen civilian conflict prevention and response capabilities. Subtitle A lays out authorities for crisis prevention, mitigation, and response, including a crisis response fund and an overhaul of the State Department's Office of Stabilization and Reconstruction (S/CRS). It also includes a new Office of the Stability Policing Coordinator. Subtitle B establishes authorities for conflict recovery.

**Related sections of law:** Title II replaces sections 551-554 and 618 of the Foreign Assistance Act of 1961, and amends the Reconstruction and Stabilization Civilian Management Act of 2008 and the Foreign Relations Act of 1980.

#### **Key provisions:**

- Establishes an interagency conflict working group at the National Security Council to coordinate and synchronize the crisis prevention activities of the agencies
- Requires the Secretary of State to produce regional conflict assessments to provide a comprehensive picture of potential conflicts. Mandates a separate conflict strategy for each area identified by the assessments as high-risk
- Replaces the current Under Secretary for Democracy and Global Affairs with an Under Secretary for Civilian Security, Democracy, and Human Rights, as proposed by the QDDR
- Authorizes a new Complex Crisis, Stabilization and Prevention Fund to serve as a centralized and flexible mechanism to support stabilization activities
- Clarifies the mission of the Readiness Response Corps, caps the number of its members posted in Washington, improves its 'surge' capacity, enables its members to get 'beyond the wire' and authorizes them to receive danger pay
- Establishes a cadre of contingency contracting support personnel
- Authorizes the United States to pay its full assessed dues for United Nations peacekeeping
- Authorizes programs to prevent and respond to violence against women and girls in humanitarian relief, peacekeeping, conflict, and post-conflict settings
- Provides authority to carry out programs in demining, disarmament, demobilization, reintegration and rehabilitation, as well as to support peaceful, democratic transitions
- Establishes a new policing training coordinator for stability operations missions

**Proposed By Ranking Member Howard L. Berman**

## **Title III: Supporting Human Rights and Democracy Global Partnerships Act of 2011**

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**Overview:** Title III raises the profile of human rights and democracy programs and integrates human rights and democracy considerations throughout U.S. foreign policy and foreign assistance. Subtitle A contains general provisions; Subtitle B establishes a framework for combating international violence against women and girls; Subtitle C sets parameters relating to programs for police training and the rule of law; and Subtitle D provides additional tools to address child protection.

**Related sections of law:** Title III replaces sections 116(d), 502B, 534, 573(b) and 660 of the Foreign Assistance Act of 1961, and amends or enhances various sections of the Freedom Investment Act of 2002 and the ADVANCE Democracy Act of 2007. It also includes provisions contained in annual appropriations acts.

### **Key provisions:**

- Requires Action Plans for Human Rights and Democracy every 3- 5 years in countries where fundamental rights and freedoms are not generally respected
- Defines the information to be provided in annual Country Reports on Human Rights Practices
- Establishes in permanent law a Human Rights and Democracy Fund, under the control of the Assistant Secretary of State for Democracy, Human Rights and Labor (DRL)
- Requires that the Assistant Secretary for DRL be consulted in determinations of which countries receive foreign assistance and the nature of such assistance
- Expands career incentives for democracy and human rights officers
- Requires the designation of senior officials at the State Department and USAID with responsibility for preventing and responding to violence against women internationally
- Mandates a comprehensive international strategy for reducing and preventing violence against women and girls
- Provides for the collection and analysis of research and data on violence against women and girls, and the dissemination of best practices in preventing and responding to such violence
- Creates a Global Rule of Law Policy Committee, composed of Executive Branch agencies, to coordinate assistance for rule of law and the administration of justice
- Authorizes assistance for foreign law enforcement agencies for specific purposes and sets eligibility standards
- Strengthens U.S. ability to address violence, harassment and intimidation of persons based on sexual orientation or gender identity
- Provides for the development of Child Protection Compacts to protect and rescue children subjected to severe forms of trafficking or sexual exploitation

**Proposed By Ranking Member Howard L. Berman**

## **Title IV: Building and Reinforcing Strategic Partnerships**

### **Global Partnerships Act of 2011**

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**Overview:** Title IV strengthens the role of the Secretary of State in directing and coordinating foreign military assistance, and streamlines procedures for Congressional oversight of arms sales. These changes are designed to ensure that all security assistance supports and is consistent with the goals and objectives of U.S. foreign policy generally.

**Related Sections of the Law:** Title IV replaces chapters 1-5 of Part II of the Foreign Assistance Act of 1961. It also incorporates, streamlines and updates the Arms Export Control Act, thereby placing all U.S. security assistance not administered by the Department of Defense under one authorizing statute.

#### **Key Provisions:**

- Updates the purposes for providing arms sales and military assistance
- Focuses Congressional review of arms sales on those most likely to be sensitive or controversial, while allowing routine sales to proceed without delay
- Requires Congressional review for export of items produced under military research and development agreements
- Incorporates a State-DoD “pooled account” authority for cooperation on specific projects
- Provides a special licensing authority for expedited treatment of spare and replacement parts to “Strategic United States Allies” (NATO, Japan, Israel, Australia, ROK and New Zealand)
- Sets performance goals for arms sales licensing process
- Enables the President to draw-down articles and services from any Federal agency for humanitarian, disaster relief, and other purposes, for both emergency and non-emergency situations
- Makes Foreign Military Financing a grant-only program
- Incorporates greater cooperation on counter-terrorism, counter-proliferation and counter-narcotics as a fundamental purpose for International Military Education & Training
- Gives authority to the Secretary of State to transfer excess defense articles to foreign countries; increases the annual cap on such transfers from \$75 Million to \$500 Million; and requires separate legislation to transfer new or large excess naval vessels
- Grants State greater flexibility to waive administrative costs for sales that support cooperation with U.S. military operations
- Restricts exports of cluster munitions

**Proposed By Ranking Member Howard L. Berman**

## **Title V: Countering Transnational Threats Global Partnerships Act of 2011**

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**Overview:** Title V modernizes and streamlines the basic authorities for nonproliferation activities, counternarcotics programs, and counterterrorism cooperation. Subtitle A, relating to nonproliferation activities, reforms and updates key provisions from the Arms Export Control Act. Subtitle B establishes a framework for counternarcotics activities. Subtitle C authorizes counterterrorism activities of the Department of State.

**Related sections of law:** Subtitle A replaces Chapter 9 and section 620F of the Foreign Assistance Act of 1961 and relevant sections of the Arms Export Control Act. Subtitle B replaces sections 481-484 of the Foreign Assistance Act of 1961. Subtitle C replaces sections 571-575 of the Foreign Assistance Act 1961.

**Key provisions:**

- Expands authority to help other countries stem proliferation of weapons of mass destruction
- Mandates on-time payment of US dues to the International Atomic Energy Agency
- Imposes sanctions on entities engaged in missile proliferation
- Sets clear goals and objectives for counternarcotics activities
- Replaces the requirement for Presidential certification that countries are cooperating on counternarcotics with a requirement to evaluate the impact of counternarcotics programs
- Reinforces the role of the Secretary of State as the coordinator of all United States counternarcotics assistance
- Elevates the Coordinator for Counterterrorism to an Assistant Secretary of State, as recommended in the QDDR Authorizes the State Department to provide counterterrorism assistance to security forces as well as law enforcement personnel
- Expands antiterrorism assistance to include countering violent extremism.

**Proposed By Ranking Member Howard L. Berman**

## **Title VI: Sustaining the Global Environment Global Partnerships Act of 2011**

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**Overview:** Title VI improves the ability of the United States to protect tropical forests, coral reefs, and other natural ecosystems. Subtitle A sets the parameters under which the U.S. may allow developing countries to apply their debt payments toward protecting the environment. Subtitle B helps nongovernmental organizations buy the commercial debt of foreign governments for environmental purposes.

**Related sections of law:** Title VI replaces authorities in chapter 7 of Part I (Debt-for-Nature Exchanges), Part IV (Enterprise for the Americas Initiative), and Part V (Tropical Forest Conservation) of the Foreign Assistance Act of 1961.

**Key provisions:**

- Broadens the types of ecosystems that are eligible for debt-for-nature programs from only tropical forests to all land and marine environments
- Permits activities to address the effects of climate change on environmental resources
- Streamlines and consolidates authorities of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act
- Requires that debt buybacks and swaps be conducted pursuant to written agreements that are transmitted to Congress, thus allowing for greater oversight of programs and funds.
- Increases government oversight of grants made from Debt-for-Nature Funds
- Aligns eligible activities for commercial debt exchange with the expanded Debt-for-Nature activities
- Eliminates the Enterprise for the Americas Board, which has been inactive since the Clinton Administration

**Proposed By Ranking Member Howard L. Berman**

# **TITLE VII: Expanding Prosperity through Trade and Investment Global Partnerships Act of 2011**

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**Overview:** Title VII would deploy U.S. investment and trade capacity-building assistance in coordination with development assistance to help countries that are taking the right steps to help themselves, but still need specialized programs to attract and retain private investment. In doing so, this title would help developing countries to eventually become strong markets for U.S. goods and services while building their own economic base. Subtitle A relates to the Overseas Private Investment Corporation (OPIC); Subtitle B relates to the United States Trade and Development Agency (USTDA); and Subtitle C relates to enterprise funds.

**Related sections of the law:** Subtitles A and B of Title VII replace Chapter 2 of Title IV (OPIC) and Section 661 (USTDA) of the Foreign Assistance Act of 1961, respectively. Subtitle C (Enterprise Funds) builds on Sec. 201 of the 1989 SEED Act, but does not amend or supersede that section.

## **Key Provisions:**

- Requires the Development Policy Committee (DPC), (established under Title I) to produce assessments of the additional requirements for sustained growth in developing countries receiving U.S. assistance, including private capital flows, policy reforms, and support from U.S. investment and trade capacity-building programs
- Requires coordination under the DPC of the U.S. government's investment and trade capacity-building programs with economic development programs, to improve target countries' ability to attract and retain capital investment
- Provides permanent operating authority for OPIC
- Increases protections for worker's rights and environmental protection in OPIC projects
- Requires OPIC to report annually on the effects its projects have on employment in the United States
- Provides that OPIC and USTDA are agencies under the policy guidance of the Secretary of State and the Development Policy Committee
- Creates a standing authority for the USAID Administrator to establish enterprise funds in eligible countries

**Proposed By Ranking Member Howard L. Berman**

## **Title VIII: Regional Issues Global Partnerships Act of 2011**

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### **TO BE INSERTED AT A LATER DATE**

This title contains country- and region-specific foreign assistance guidelines, policy statements, authorities, restrictions, and directives.

**Proposed By Ranking Member Howard L. Berman**

# **Title IX: Strategic Planning, Monitoring and Evaluation, and Reporting Global Partnerships Act of 2011**

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**Overview:** Title IX improves the transparency, accountability and oversight of foreign assistance by setting out overall requirements for strategies, evaluations, reports and notifications. Subtitle A is composed of strategic planning requirements; Subtitle B is devoted to monitoring and evaluation; Subtitle C mandates regular and recurring reports; and Subtitle D sets out congressional notification procedures.

**Related sections of law:** Title IX replaces sections 548, 549, 634, 634A, 634B, 653, 654, 655, and 656 of the Foreign Assistance Act of 1961, as well as many smaller reporting requirements. Most of Subtitles A and B are new.

## **Key provisions:**

- Requires the maintenance of an online database of information, easily accessible to the public, with complete information about all forms of U.S. foreign assistance, including an unclassified database on security assistance
- Requires the President to develop and implement a rigorous system to evaluate the effectiveness and efficiency of foreign assistance
- Mandates the monitoring of arms sales and the collection and analysis of data to evaluate the human rights impact of security assistance
- Requires a Quadrennial Review of Diplomacy and Development, to be conducted in consultation with Congress and a wide range of relevant stakeholders
- Requires USAID to develop, every 5 years, a comprehensive workforce and human resources strategy
- Provides for recordkeeping on participants in military training and tracking of any human rights violations by such participants
- Streamlines the annual Congressional Budget Justification documents
- Prevents program delays and micromanagement by reducing the number and types of program changes subject to congressional notification

**Proposed By Ranking Member Howard L. Berman**

## **Title X: General Authorities and Restrictions Global Partnerships Act of 2011**

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### **TO BE INSERTED AT A LATER DATE**

This title contains restrictions and limitations on U.S. foreign assistance, such as prohibitions on assistance for abortion and forced sterilization, and prohibitions on aid to governments that engage in a consistent pattern of gross violations of internationally recognized human rights, transfer nuclear enrichment equipment or nuclear explosive devices (“Glenn-Symington”), or assist terrorist states. It also includes Presidential transfer and waiver authorities.

**Proposed By Ranking Member Howard L. Berman**

# **Title XI: Organization, Management and Human Resources**

## **Global Partnerships Act of 2011**

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**Overview:** Title XI elevates and strengthens USAID by restoring its policy and budget functions and clarifies the roles and relationships of key officials involved in the provision of foreign assistance. It also provides the basic personnel and administrative authorities necessary to carry out programs under this Act. Subtitle A is concerned with the organization of USAID and the coordination of functions; Subtitle B contains authorities for management and program administration; and Subtitle C covers personnel, benefits, training and professional development.

**Related sections of law:** Title IX replaces much of Part III of the Foreign Assistance Act of 1961, except for the country-specific policies and prohibitions on assistance.

### **Key provisions:**

- Establishes USAID as an independent agency with the mandate to reduce global poverty and alleviate human suffering
- Defines the relationship between the Secretary of State and USAID Administrator
- Strengthens the roles of the Chief of Mission and the USAID Mission Director
- Creates an Office for Global Women's Issues at the Department of State and an Office for Women's Global Development at USAID
- Links USAID operating expenses to the total value of programs USAID is managing
- Provides for a Working Capital Fund to finance procurement reform at USAID
- Requires that all economic and humanitarian assistance be identified as coming "From the American People" except where such marking would endanger implementing partners or beneficiaries
- Clears obstacles to contracting with small local businesses in developing countries
- Requires that all solicitations for contracts be made publicly available on a single, centralized website
- Mandates the harmonization of procurement rules and procedures across federal agencies, and recommends the convening of an advisory committee to improve speed, transparency and relevance of USAID procedures and regulations
- Strengthens protection of federal personnel against discrimination
- Expands authorities for details, scholarships, fellowships and exchanges of federal personnel between U.S. government agencies, international organizations, and the private sector
- Mandates the development of a comprehensive career-long program of professional training for State Department and USAID personnel
- Expands training programs for language skills development and requires the identification of critical language needs and the establishment of language-designated positions

**Proposed By Ranking Member Howard L. Berman**

## **Title XII: Amendments and Repeals**

### **Global Partnerships Act of 2011**

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**Overview:** Title XII updates other provisions of law to make them consistent with the Global Partnerships Act. Subtitle A makes amendments to other laws; Subtitle B repeals other laws; and Subtitle C contains savings provisions to ensure an orderly transition of authorities.

**Related sections of law:** Title XII replaces or modifies the Foreign Assistance Act of 1961, the Arms Export Control Act, the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, the Millennium Challenge Act of 2003, and a wide variety of other laws.

**Key provisions:**

- Repeals the Foreign Assistance Act of 1961 and the Arms Export Control Act
- Transfers sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961, relating to HIV/AIDS, Tuberculosis, and Malaria, into the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
- Amends the Millennium Challenge Act to allow for longer, concurrent and subsequent compacts, and to provide stability in the candidate pool
- Repeals obsolete laws relating to foreign assistance
- Repeals outdated and duplicative reporting requirements