

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1886) TO AUTHORIZE DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN, TO AUTHORIZE SECURITY ASSISTANCE FOR PAKISTAN, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2410) TO AUTHORIZE APPROPRIATIONS FOR THE DEPARTMENT OF STATE AND THE PEACE CORPS FOR FISCAL YEARS 2010 AND 2011, TO MODERNIZE THE FOREIGN SERVICE, AND FOR OTHER PURPOSES

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JUNE 9, 2009.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS, from the Committee on Rules  
submitted the following

## R E P O R T

[To accompany H. Res. 522]

The Committee on Rules, having had under consideration House Resolution 522, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1886, the “Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009,” under a structured rule providing one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The resolution waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted. The resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides that the bill, as amended, shall be considered as read. The resolution makes in order the further amendment in the nature of a substitute printed in part B of this report, if offered by Representative Ros-Lehtinen of Florida or her designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent. The reso-

lution provides one motion to recommit with or without instructions.

The resolution also provides for consideration of H.R. 2410, the "Foreign Relations Authorization Act, Fiscal Years 2010 and 2011," under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs and waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution makes in order only those amendments printed in part C of this report. The resolution provides that the amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. The resolution provides one motion to recommit H.R. 2410 with or without instructions. Finally, the resolution provides that in the engrossment of H.R. 2410, the text of H.R. 1886, as passed by the House, shall be added as new matter at the end of H.R. 2410.

#### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H.R. 1886 (except for those arising under clauses 9 and 10 of rule XXI), the Committee is not aware of any points of order. The waiver of all points of order is prophylactic. The waiver of all points of order against provisions in the bill, as amended, includes a waiver of clause 4 of Rule XXI (prohibiting appropriations in legislative bills).

Although the rule waives all points of order against consideration of H.R. 2410 (except for those arising under clauses 9 and 10 of rule XXI), the Committee is not aware of any points of order. The waiver of all points of order is prophylactic. The waiver of all points of order against the committee amendment in the nature of a substitute (except for those arising under clause 10 of rule XXI) includes a waiver of clause 4 of Rule XXI (prohibiting appropriations in legislative bills).

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee record vote No. 107*

Date: June 9, 2009.

Measure: H.R. 1886/H.R. 2410.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 3–6.

Vote by Members: Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 108*

Date: June 9, 2009.

Measure: H.R. 1886/H.R. 2410.

Motion by: Mr. Dreier.

Summary of motion: To make in order en bloc and provide appropriate waivers for an amendment by Rep. Ros-Lehtinen (FL), #34, which would prohibit funds from being used by the Department of State for the purpose of preparing or issuing a statement of interest to encourage a court in the U.S. to dismiss any claim brought against a European insurance company to recover compensation arising out of a covered Holocaust-era insurance policy, and an amendment by Rep. Ros-Lehtinen (FL), #28, which would replace the FY10 funding numbers for the accounts reauthorized in the bill with numbers that are no more than 3.7% higher than FY09 levels.

Results: Defeated 3–7.

Vote by Members: Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 109*

Date: June 9, 2009.

Measure: H.R. 1886/H.R. 2410.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Ros-Lehtinen (FL), #27, which would call for a re-listing of North Korea as a state sponsor of terrorism, full implementation of sanctions imposed by UN Security Council resolutions 1695 and 1718, passed in 2006 but never fully enforced, and an end to North Korea's egregious human rights violations and proliferation of weapons of mass destruction to Iran, Syria and other rogue regimes. It withholds U.S. diplomatic recognition of North Korea—including the establishment of a liaison office in North Korea—until Pyongyang accedes to the benchmarks enumerated regarding proliferation, illicit activities and human rights abuses and frees the two U.S. citizens it is now holding.

Results: Defeated 3–7.

Vote by Members: Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 110*

Date: June 9, 2009.

Measure: H.R. 1886/H.R. 2410.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Shadegg (AZ), #1, which would

prohibit the transfer or entry of any detainee currently being held at Guantanamo Bay into the United States.

Results: Defeated 3–6.

Vote by Members: Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 111*

Date: June 9, 2009.

Measure: H.R. 1886/H.R. 2410.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Smith, Christopher (NJ), #71, which would strike Section 334, the Office for Global Women's Issues, and replace it with a substitute Office for Global Women's Issues that also would include non-intervention language with respect to abortion.

Results: Defeated 3–7.

Vote by Members: Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 112*

Date: June 9, 2009.

Measure: H.R. 1886/H.R. 2410.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Burton (IN), #38, which would add a sense of Congress removing waiver authority in the Jerusalem Embassy Act, formally recognizing Jerusalem as the capital of Israel, and would immediately relocate the United States embassy to Jerusalem.

Results: Defeated 3–7.

Vote by Members: Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENT IN PART A TO BE CONSIDERED AS ADOPTED  
FOR H.R. 1886

Makes a number of changes to title II of H.R. 1886 as reported out by the Committee on Foreign Affairs. These changes include: (1) dropping specific authorizations in fiscal years 2011 to 2013 for Foreign Military Financing (FMF) for Pakistan and making necessary conforming changes; (2) adding additional flexibility to the FMF program for Pakistan for fiscal years 2010 and 2011; (3) amending section 204 relating to the Pakistani Counterinsurgency Capability Fund (PCCF), including making adjustments to the terms and conditions of the PCCF for fiscal year 2010 and dropping the authorization for PCCF for fiscal years 2011–2013.

Authorizes the President to proclaim duty-free treatment of certain textile and apparel products, as well as nontextile and non-apparel products, from designated Reconstruction Opportunity Zones within Afghanistan or Pakistan through September 30, 2024.

Authorizes the President to designate Reconstruction Opportunity Zones within Afghanistan or Pakistan, provided (1) certain

eligibility criteria are met, including that such countries establish, or make continual progress toward establishing, a market-based economy, instituting rule of law, protecting core labor standards and acceptable conditions of work; and (2) the designation of the Reconstruction Opportunity Zone (ROZ) in an area is “appropriate” taking into account factors such as the desire of the country to have an ROZ designated in the area, the ability to set up a labor rights monitoring program in the area, and the potential of generating employment; Sets forth requirements to prevent the unlawful transshipment of such products; Permits duty-free treatment to be provided to products of an ROZ in Afghanistan or Pakistan after a set-up period only if the President certifies that the country has (1) established a labor monitoring program in the ROZ, (2) designated a Labor Official responsible for, among other things, overseeing the implementation of the monitoring program, and (3) agreed to require textile or apparel producers to participate in the labor monitoring program; Authorizes the President to waive, withdraw, suspend, or limit the application of duty-free treatment under this Act.

The bill’s total cost is \$105 million over a ten-year period. These costs are paid for by increasing Customs user fees.

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS  
ADOPTED FOR H.R. 1886

Page 11, line 22, strike “and” at the end.

Page 11, line 25, strike the period at the end and insert “; and”.

Page 11, after line 25, insert the following new paragraph:

(9) to promote the rights and empowerment of women and girls in Pakistan, including efforts to increase access to basic healthcare services to address Pakistan’s high maternal mortality rate and to increase girls’ and women’s access to education.

Page 17, line 8, strike “and” at the end.

Page 17, after line 8, insert the following new subparagraph:

(D) preventing youth from turning to extremism and militancy, and promoting the renunciation of such tactics and extremist ideologies, by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth; and

Page 17, line 9, strike “(D)” and insert “(E)”.

Page 20, line 20, insert “libraries and” before “public”.

Page 30, beginning on line 12, strike “for a fiscal year”.

Page 24, line 9, after “hepatitis” insert the following: “, and to reduce the nation’s high maternal and under-five mortality rates, including—”

(A) support for repairing and building healthcare infrastructure, including purchase of equipment and training of health professionals, to ensure adequate access to healthcare for Pakistan’s population, especially among its rural, poor, marginalized and disadvantaged segments; and

(B) promotion of efforts by the Government of Pakistan to reduce maternal mortality, including through the provi-

sion of maternal and newborn health services and development of community-based skilled birth attendants.

Page 30, line 13, strike “is” and insert “for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are”.

Page 30, line 21, strike “authorized to be made available under” and insert “made available to carry out”.

Page 30, line 22, strike “is authorized to” and insert “may”.

Page 31, beginning on line 2, strike “for a fiscal year”.

Page 31, line 3, strike “is” and insert “for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are”.

Page 31, line 10, strike “authorized to be made available under” and insert “made available to carry out”.

Page 31, line 11, strike “is authorized to” and insert “may”.

Page 33, beginning on line 1, strike “of the F-16 sale with its own national funds” and insert “on the 2006 sales relating to F-16 fighter aircraft and associated equipment with its own national funds, including the mid-life updates and munitions for such aircraft included in such Letters of Offer and Acceptance”.

Page 33, line 5, strike “or section 204”.

Page 34, line 9, strike “Such plan” and all that follows through “section 204(f)(1).” on line 11 and insert the following: “Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.”.

Page 34, after line 11, insert the following:

(5) ADDITIONAL AUTHORITY.—Except as provided in section 3(a)(2) of the Arms Export Control Act and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

Page 34, line 12, strike “(5)” and insert “(6)”.

Amend section 204 of the bill (page 34, line 22 to page 39, line 20) to read as follows:

**SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.**

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State’s Pakistan Counterinsurgency Capability Fund, hereinafter in this section referred to as the “Fund”, shall consist of the following:

(A) Amounts appropriated to carry out this subsection.

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense’s Pakistan Counterinsurgency Fund.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to the requirements of paragraph (4), transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense’s Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.—The authority to make transfers from the Fund under subparagraph (A) is in addition to any other transfer of funds authority of the Department of State. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(4) RESTRICTION.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund made available to carry out this subsection for any fiscal year may not be used to purchase F–16 fighter aircraft, to purchase mid-life updates for such aircraft, or to make payments on the sales of F–16 fighter aircraft and associated equipment described in section 203(b)(3)(A).

(B) EXCEPTION.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used for military construction activities.

(C) WAIVER.—The President may waive the restriction under subparagraph (A) with respect to amounts described in subparagraph (A) if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to the national security interests of the United States.

(5) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010, \$300,000,000 is hereby authorized to be appropriated to carry out this subsection.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section shall be submitted in classified form, but may include a unclassified annex if necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Page 43, after line 11, insert the following new subsection:

(e) GAO ANALYSIS AND REPORT.—Not later than 120 days after the President makes the determinations described in subsection

(b), the Comptroller General of the United States shall conduct an independent analysis of each of the determinations under subsection (b) and written justifications for such determinations under subsection (d) and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

Page 43, line 12, strike “(e)” and insert “(f)”.

Page 43, strike lines 13 through 17 and insert the following:

(1) the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

Page 43, beginning on line 23, strike “, assistance authorized under section 204 of this Act,”.

Page 44, line 12, strike “for each of the fiscal years 2010 through 2013” and insert “for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013”.

Page 57, line 5, insert “and title IV of this Act” after “section 104”.

Page 57, after line 6, add the following new title:

## **TITLE IV—DUTY-FREE TREATMENT FOR CERTAIN GOODS FROM RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN AND PAKISTAN**

### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Afghanistan-Pakistan Security and Prosperity Enhancement Act”.

### **SEC. 402. DEFINITIONS; PURPOSES.**

(a) DEFINITIONS.—In this title:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term “Agreement on Textiles and Clothing” means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CATEGORY; TEXTILE AND APPAREL CATEGORY NUMBER.—The terms “category” and “textile and apparel category number” mean the number assigned under the U.S. Textile and Apparel Category System of the Office of Textiles and Apparel of the Department of Commerce, as listed in the HTS under the applicable heading or subheading (as in effect on September 1, 2007).

(3) CORE LABOR STANDARDS.—The term “core labor standards” means—

(A) freedom of association;

(B) the effective recognition of the right to bargain collectively;



- (C) the elimination of all forms of compulsory or forced labor;
  - (D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and
  - (E) the elimination of discrimination in respect of employment and occupation.
- (4) ENTERED.—The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.
- (5) ENTITY.—The term “entity” means—
- (A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, whether or not for profit;
  - (B) any governmental entity or instrumentality of a government; and
  - (C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).
- (6) HTS.—The term “HTS” means the Harmonized Tariff Schedule of the United States.
- (7) NAFTA.—The term “NAFTA” means the North American Free Trade Agreement concluded between the United States, Mexico, and Canada on December 17, 1992.
- (8) RECONSTRUCTION OPPORTUNITY ZONE.—The term “Reconstruction Opportunity Zone” means any area that—
- (A) solely encompasses portions of the territory of—
    - (i) Afghanistan; or
    - (ii) 1 or more of the following areas of Pakistan:
      - (I) the Federally Administered Tribal Areas;
      - (II) areas of Pakistan-administered Kashmir that the President determines were harmed by the earthquake of October 8, 2005;
      - (III) areas of Baluchistan that are within 100 miles of Pakistan’s border with Afghanistan; and
      - (IV) the North West Frontier Province;
  - (B) has been designated by the competent authorities in Afghanistan or Pakistan, as the case may be, as an area in which merchandise may be introduced without payment of duty or excise tax; and
  - (C) has been designated by the President as a Reconstruction Opportunity Zone pursuant to section 403(a).
- (b) PURPOSES.—The purposes of this title are—
- (1) to stimulate economic activity and development in Afghanistan and the border region of Pakistan, critical fronts in the struggle against violent extremism;
  - (2) to reflect the strong support that the United States has pledged to Afghanistan and Pakistan for their sustained commitment in the global war on terrorism;
  - (3) to support the 3-pronged United States strategy in Afghanistan and the border region of Pakistan that leverages political, military, and economic tools, with Reconstruction Opportunity Zones as a critical part of the economic component of that strategy; and
  - (4) to offer a vital opportunity to improve livelihoods of indigent populations of Reconstruction Opportunity Zones, pro-

mote good governance, improve economic and commercial ties between the people of Afghanistan and Pakistan, and strengthen the Governments of Afghanistan and Pakistan.

**SEC. 403. DESIGNATION OF RECONSTRUCTION OPPORTUNITY ZONES.**

(a) **AUTHORITY TO DESIGNATE.**—The President is authorized to designate an area within Afghanistan or Pakistan described in section 402(a)(8) (A) and (B) as a Reconstruction Opportunity Zone if the President determines that—

(1) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (b);

(2) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(c)) for designation as a beneficiary developing country under that section and is not ineligible under subsection (b) of such section; and

(3) designation of the area as a Reconstruction Opportunity Zone is appropriate taking into account the factors listed in subsection (c).

(b) **ELIGIBILITY CRITERIA.**—Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in this subsection if that country—

(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) economic policies to—

(i) reduce poverty;

(ii) increase the availability of health care and educational opportunities;

(iii) expand physical infrastructure;

(iv) promote the development of private enterprise;

and

(v) encourage the formation of capital markets through microcredit or other programs;

(D) a system to combat corruption and bribery, such as ratifying and implementing the United Nations Convention Against Corruption; and

(E) protection of core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety;

(2) is eliminating or has eliminated barriers to trade and investment, including by—

(A) providing national treatment and measures to create an environment conducive to domestic and foreign investment;

(B) protecting intellectual property; and

(C) resolving bilateral trade and investment disputes;

(3) does not engage in activities that undermine United States national security or foreign policy interests;

(4) does not engage in gross violations of internationally recognized human rights;

(5) does not provide support for acts of international terrorism; and

(6) cooperates in international efforts to eliminate human rights violations and terrorist activities.

(c) **ADDITIONAL FACTORS.**—In determining whether to designate an area in Afghanistan or Pakistan as a Reconstruction Opportunity Zone, the President shall take into account—

(1) an expression by the government of the country of its desire to have a particular area designated as a Reconstruction Opportunity Zone under this title;

(2) the capability of the country to establish a program in the area meeting the requirements of section 407(d)(3) based on assessments undertaken by the Secretary of Labor and the government of the country of such factors as—

(A) the geographical suitability of the area for such a program;

(B) the nature of the labor market in the area;

(C) skills requirements and infrastructure needs for operation of such a program in the area; and

(D) all other relevant information;

(3) whether the government of the country has provided the United States with a monitoring and enforcement plan outlining specific steps the country will take to cooperate with the United States to—

(A) facilitate legitimate cross-border commerce;

(B) ensure that articles for which duty-free treatment is sought pursuant to this title satisfy the applicable rules of origin described in section 404 (c) and (d) or section 405 (c) and (d), whichever is applicable; and

(C) prevent unlawful transshipment, as described in section 406(b)(4);

(4) the potential for such designation to create local employment and to promote local and regional economic development;

(5) the physical security of the proposed Reconstruction Opportunity Zone;

(6) the economic viability of the proposed Reconstruction Opportunity Zone, including—

(A) whether there are commitments to finance economic activity proposed for the Reconstruction Opportunity Zone; and

(B) whether there is existing or planned infrastructure for power, water, transportation, and communications in the area;

(7) whether such designation would be compatible with and contribute to the foreign policy and national security objectives of the United States, taking into account the information provided under subsection (d); and

(8) the views of interested persons submitted pursuant to subsection (e).

(d) **INFORMATION RELATING TO COMPATIBILITY WITH AND CONTRIBUTION TO FOREIGN POLICY AND NATIONAL SECURITY OBJECTIVES OF THE UNITED STATES.**—In determining whether designation of a Reconstruction Opportunity Zone would be compatible

with and contribute to the foreign policy and national security objectives of the United States in accordance with subsection (c)(7), the President shall take into account whether Afghanistan or Pakistan, as the case may be, has provided the United States with a plan outlining specific steps it will take to verify the ownership and nature of the activities of entities to be located in the proposed Reconstruction Opportunity Zone. The specific steps outlined in a country's plan shall include a mechanism to annually register each entity by a competent authority of the country and—

(1) to collect from each entity operating in, or proposing to operate in, a Reconstruction Opportunity Zone, information including—

(A) the name and address of the entity;

(B) the name and location of all facilities owned or operated by the entity that are operating in or proposed to be operating in a Reconstruction Opportunity Zone;

(C) the name, nationality, date and place of birth, and position title of each person who is an owner, director, or officer of the entity; and

(D) the nature of the activities of each entity;

(2) to update the information required under paragraph (1) as changes occur; and

(3) to provide such information promptly to the Secretary of State.

(e) **OPPORTUNITY FOR PUBLIC COMMENT.**—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall afford an opportunity for interested persons to submit their views concerning the designation.

(f) **NOTIFICATION TO CONGRESS.**—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall notify Congress of the President's intention to make the designation, together with the reasons for making the designation.

**SEC. 404. DUTY-FREE TREATMENT FOR CERTAIN NONTEXTILE AND NONAPPAREL ARTICLES.**

(a) **IN GENERAL.**—The President is authorized to proclaim duty-free treatment for—

(1) any article from a Reconstruction Opportunity Zone that the President has designated as an eligible article under section 503(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(A));

(2) any article from a Reconstruction Opportunity Zone located in Afghanistan that the President has designated as an eligible article under section 503(a)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(B)); or

(3) any article from a Reconstruction Opportunity Zone that is not a textile or apparel article, regardless of whether the article has been designated as an eligible article under section 503(a)(1)(A) or (B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1) (A) or (B)), if, after receiving the advice of the International Trade Commission pursuant to subsection (b), the President determines that such article is not import-sensitive in the context of imports from a Reconstruction Opportunity Zone.

(b) **ADVICE CONCERNING CERTAIN ELIGIBLE ARTICLES.**—Before proclaiming duty-free treatment for an article pursuant to subsection (a)(3), the President shall publish in the Federal Register and provide the International Trade Commission a list of articles which may be considered for such treatment. The provisions of sections 131 through 134 of the Trade Act of 1974 (19 U.S.C. 2151 through 2154) shall apply to any designation under subsection (a)(3) in the same manner as such sections apply to action taken under section 123 of the Trade Act of 1974 (19 U.S.C. 2133) regarding a proposed trade agreement.

(c) **GENERAL RULES OF ORIGIN.**—

(1) **IN GENERAL.**—The duty-free treatment proclaimed with respect to an article described in paragraph (1) or (3) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones if—

(A) that article is imported directly from a Reconstruction Opportunity Zone into the customs territory of the United States; and

(B)(i) with respect to an article that is an article of a Reconstruction Opportunity Zone in Pakistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(III) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States; or

(ii) with respect to an article that is an article of a Reconstruction Opportunity Zone in Afghanistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(III) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(IV) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States.

(2) **DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY ZONES IN PAKISTAN AND AFGHANISTAN.**—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under

clause (i) or (ii) of paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(d) RULES OF ORIGIN FOR CERTAIN ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) IN GENERAL.—The duty-free treatment proclaimed with respect to an article described in paragraph (2) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan if—

(A) that article is imported directly from a Reconstruction Opportunity Zone in Afghanistan into the customs territory of the United States; and

(B) with respect to that article, the sum of—

(i) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Afghanistan,

(ii) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(iii) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and

(iv) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the product at the time it is entered into the United States.

(2) DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY ZONES IN PAKISTAN AND AFGHANISTAN.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(e) EXCLUSIONS.—An article shall not be treated as the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones, and no material shall be included for purposes of determining the 35-percent appraised value requirement under subsection (c)(1) or (d)(1), by virtue of having merely undergone—

(1) simple combining or packaging operations; or

(2) mere dilution with water or with another substance that does not materially alter the characteristics of the article or material.

(f) DIRECT COSTS OF PROCESSING OPERATIONS.—

(1) IN GENERAL.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term “direct costs of processing operations” includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the article, including—

(i) fringe benefits;

- (ii) on-the-job training; and
- (iii) costs of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the article.

(2) EXCLUDED COSTS.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term “direct costs of processing operations” does not include costs which are not directly attributable to the article or are not costs of manufacturing the article, such as—

- (A) profit; and
- (B) general expenses of doing business which are either not allocable to the article or are not related to the growth, production, manufacture, or assembly of the article, such as administrative salaries, casualty and liability insurance, advertising, and salesmen’s salaries, commissions, or expenses.

(g) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section. The regulations may provide that, in order for an article to be eligible for duty-free treatment under this section, the article—

- (1) shall be wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones; or
- (2) shall be a new or different article of commerce which has been grown, produced, or manufactured in 1 or more Reconstruction Opportunity Zones.

**SEC. 405. DUTY-FREE TREATMENT FOR CERTAIN TEXTILE AND APPAREL ARTICLES.**

(a) DUTY-FREE TREATMENT.—The President is authorized to proclaim duty-free treatment for any textile or apparel article described in subsection (b), if—

- (1) the article is a covered article described in subsection (b); and
- (2) the President determines that the country in which the Reconstruction Opportunity Zone is located has satisfied the requirements set forth in section 406.

(b) COVERED ARTICLES.—A covered article described in this subsection is an article in 1 of the following categories:

(1) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES.—An article that is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

237 .....	641 .....	751
330 .....	642 .....	752
331 .....	643 .....	758
333 .....	644 .....	759
334 .....	650 .....	831
335 .....	651 .....	832
336 .....	653 .....	833
341 .....	654 .....	834
342 .....	665 .....	835
350 .....	669 .....	836
351 .....	733 .....	838
353 .....	734 .....	839
354 .....	735 .....	840

360 .....	736 .....	842
361 .....	738 .....	843
362 .....	739 .....	844
363 .....	740 .....	845
369 .....	741 .....	846
465 .....	742 .....	850
469 .....	743 .....	851
630 .....	744 .....	852
631 .....	745 .....	858
633 .....	746 .....	859
634 .....	747 .....	863
635 .....	748 .....	899
636 .....	750 .....	

(2) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—The article is the product of 1 or more Reconstruction Opportunity Zones in Afghanistan and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

201 .....	439 .....	459
414 .....	440 .....	464
431 .....	442 .....	670
433 .....	444 .....	800
434 .....	445 .....	810
435 .....	446 .....	870
436 .....	448 .....	871
438 .....		

(3) CERTAIN OTHER TEXTILE AND APPAREL ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers as set forth in the HTS (as in effect on September 1, 2007) and is covered by the corresponding description for such category:

(A) CATEGORY 239.—An article in category 239 (relating to cotton and man-made fiber babies' garments) except for baby socks and baby booties described in subheading 6111.20.6050, 6111.30.5050, or 6111.90.5050 of the HTS.

(B) CATEGORY 338.—An article in category 338 (relating to men's and boys' cotton knit shirts) if the article is a certain knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1026, 6110.20.2067 or 6110.90.9067 of the HTS.

(C) CATEGORY 339.—An article in category 339 (relating to women's and girls' cotton knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1031, 6110.20.2077, or 6110.90.9071 of the HTS.

(D) CATEGORY 359.—An article in category 359 (relating to other cotton apparel) except swimwear provided for in subheading 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010, or 6211.12.8020 of the HTS.

(E) CATEGORY 632.—An article in category 632 (relating to man-made fiber hosiery) if the article is panty hose provided for in subheading 6115.21.0020 of the HTS.

(F) CATEGORY 638.—An article in category 638 (relating to men's and boys' man-made fiber knit shirts) if the arti-



cle is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2051, 6110.30.3051, or 6110.90.9079 of the HTS.

(G) CATEGORY 639.—An article in category 639 (relating to women's and girls' man-made fiber knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2061, 6110.30.3057, or 6110.90.9081 of the HTS.

(H) CATEGORY 647.—An article in category 647 (relating to men's and boys' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6203.43.3510, 6210.40.5031, or 6211.20.1525 of the HTS.

(I) CATEGORY 648.—An article in category 648 (relating to women's and girls' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6204.63.3010, 6210.50.5031, or 6211.20.1555 of the HTS.

(J) CATEGORY 659.—An article in category 659 (relating to other man-made fiber apparel) except for swimwear provided for in subheading 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, or 6211.12.1020 of the HTS.

(K) CATEGORY 666.—An article in category 666 (relating to other man-made fiber furnishings) except for window shades and window blinds provided for in subheading 6303.12.0010 or 6303.92.2030 of the HTS.

(4) CERTAIN OTHER ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following statistical reporting numbers of the HTS (as in effect on September 1, 2007):

4202.12.8010 .....	6210.20.3000 .....	6304.99.1000
4202.12.8050 .....	6210.20.7000 .....	6304.99.2500
4202.22.4010 .....	6210.30.3000 .....	6304.99.4000
4202.22.7000 .....	6210.30.7000 .....	6304.99.6030
4202.22.8070 .....	6210.40.3000 .....	6306.22.9010
4202.92.3010 .....	6210.40.7000 .....	6306.29.1100
4202.92.6010 .....	6210.50.3000 .....	6306.29.2100
4202.92.9010 .....	6210.50.7000 .....	6306.40.4100
4202.92.9015 .....	6211.20.0810 .....	6306.40.4900
5601.29.0010 .....	6211.20.0820 .....	6306.91.0000
5702.39.2090 .....	6211.32.0003 .....	6306.99.0000
5702.49.2000 .....	6211.33.0003 .....	6307.10.2030
5702.50.5900 .....	6211.42.0003 .....	6307.20.0000
5702.99.2000 .....	6211.43.0003 .....	6307.90.7200
5703.90.0000 .....	6212.10.3000 .....	6307.90.7500
5705.00.2090 .....	6212.10.7000 .....	6307.90.8500
6108.22.1000 .....	6212.90.0050 .....	6307.90.8950
6111.90.7000 .....	6213.90.0500 .....	6307.90.8985
6113.00.1005 .....	6214.10.1000 .....	6310.90.1000
6113.00.1010 .....	6216.00.0800 .....	6406.99.1580
6113.00.1012 .....	6216.00.1300 .....	6501.00.6000
6115.29.4000 .....	6216.00.1900 .....	6502.00.2000
6115.30.1000 .....	6216.00.2600 .....	6502.00.4000
6115.99.4000 .....	6216.00.3100 .....	6502.00.9060
6116.10.0800 .....	6216.00.3500 .....	6504.00.3000
6116.10.1300 .....	6216.00.4600 .....	6504.00.6000
6116.10.4400 .....	6217.10.1010 .....	6504.00.9045
6116.10.6500 .....	6217.10.8500 .....	6504.00.9075
6116.10.9500 .....	6301.90.0020 .....	6505.10.0000
6116.92.0800 .....	6302.29.0010 .....	6505.90.8015
6116.93.0800 .....	6302.39.0020 .....	6505.90.9050
6116.99.3500 .....	6302.59.3010 .....	6505.90.9076
6117.10.4000 .....	6302.99.1000 .....	9404.90.2000
6117.80.3010 .....	6303.99.0030 .....	9404.90.8523
6117.80.8500 .....	6304.19.3030 .....	9404.90.9523
6210.10.2000 .....	6304.91.0060 .....	9404.90.9570
6210.10.7000 .....		

(c) RULES OF ORIGIN FOR CERTAIN COVERED ARTICLES.—

(1) GENERAL RULES.—Except with respect to an article listed in paragraph (2) of subsection (b), duty-free treatment may be proclaimed for an article listed in subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or

(ii) the continuous filament fiber is extruded in,

1 or more Reconstruction Opportunity Zones;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decatizing, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MAN-MADE FIBER, OR VEGETABLE FIBER.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decatizing, permanent stiffening, weighting, permanent embossing, or moireing.

(d) RULES OF ORIGIN FOR COVERED ARTICLES THAT ARE PRODUCTS OF 1 OR MORE RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) GENERAL RULES.—Duty-free treatment may be claimed for an article listed in paragraph (2) of subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone in Afghanistan and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan,

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or

(ii) the continuous filament fiber is extruded in,

1 or more Reconstruction Opportunity Zones in Afghanistan;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones in Afghanistan; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones in Afghanistan from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones in Afghanistan shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MAN-MADE FIBER OR VEGETABLE FIBER.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the

rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(e) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section.

**SEC. 406. PROTECTIONS AGAINST UNLAWFUL TRANSSHIPMENT.**

(a) DUTY-FREE TREATMENT CONDITIONED ON ENFORCEMENT MEASURES.—

(1) IN GENERAL.—The duty-free treatment described in section 405 shall not be provided to covered articles that are imported from a Reconstruction Opportunity Zone in a country unless the President determines that country meets the following criteria:

(A) The country has adopted—

(i) an effective visa or electronic certification system; and

(ii) domestic laws and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of false documents relating to the importation of the articles into the United States.

(B) The country has enacted legislation or promulgated regulations that would permit U.S. Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of unlawful transshipment through such country.

(C) The country agrees to provide U.S. Customs and Border Protection with a monthly report on shipments of covered articles from each producer of those articles in a Reconstruction Opportunity Zone in that country.

(D) The country will cooperate fully with the United States to address and take action necessary to prevent circumvention, as described in Article 5 of the Agreement on Textiles and Clothing.

(E) The country agrees to require each producer of a covered article in a Reconstruction Opportunity Zone in that country to register with the competent government authority, to provide that authority with the following information, and to update that information as changes occur:

(i) The name and address of the producer, including the location of all textile or apparel facilities owned or operated by that producer in Afghanistan or Pakistan.

(ii) The telephone number, facsimile number, and electronic mail address of the producer.

(iii) The names and nationalities of the producer's owners, directors, and corporate officers, and their positions.

(iv) The number of employees the producer employs and their occupations.

(v) A general description of the covered articles of the producer and the producer's production capacity.

(vi) The number and type of machines the producer uses to produce textile or apparel articles at each facility.

(vii) The approximate number of hours the machines operate per week.

(viii) The identity of any supplier to the producer of textile or apparel goods, or fabrics, yarns, or fibers used in the production of textile or apparel goods.

(ix) The name of, and contact information for, each of the producer's customers in the United States.

(F) The country agrees to provide to U.S. Customs and Border Protection on a timely basis all of the information received by the competent government authority in accordance with subparagraph (E) and to provide U.S. Customs and Border Protection with an annual update of that information.

(G) The country agrees to require that all producers and exporters of covered articles in a Reconstruction Opportunity Zone in that country maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 5 years after the production or export (as the case may be).

(H) The country agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the eligibility of covered articles for duty-free treatment under section 405.

(2) DOCUMENTATION ESTABLISHING ELIGIBILITY OF ARTICLES FOR DUTY-FREE TREATMENT.—For purposes of paragraph (1)(H), documentation establishing the eligibility of a covered article for duty-free treatment under section 405 includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the producer and the exporter.

(b) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) IN GENERAL.—

(A) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall promulgate regulations setting forth customs procedures similar in all material respects to the requirements of article 502(1) of the NAFTA as implemented pursuant to United States law, which shall apply to any importer that claims duty-free treatment for an article under section 405.

(B) DETERMINATION.—In order for articles produced in a Reconstruction Opportunity Zone to qualify for the duty-free treatment under section 405, there shall be in effect a determination by the President that Afghanistan or Pakistan, as the case may be—

(i) has implemented and follows, or

(ii) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(2) **CERTIFICATE OF ORIGIN.**—A certificate of origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 405 if such certificate of origin would not be required under article 503 of the NAFTA, as implemented pursuant to United States law, if the article were imported from Mexico.

(3) **PENALTIES.**—If the President determines, based on sufficient evidence, that an entity has engaged in unlawful transshipment described in paragraph (4), the President shall deny for a period of 5 years beginning on the date of the determination all benefits under section 405 to the entity, any successor of the entity, and any other entity owned, operated, or controlled by the principals of the entity.

(4) **UNLAWFUL TRANSSHIPMENT DESCRIBED.**—For purposes of this section, unlawful transshipment occurs when duty-free treatment for a covered article has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for duty-free treatment under section 405.

(5) **MONITORING AND REPORTS TO CONGRESS.**—U.S. Customs and Border Protection shall monitor and the Commissioner responsible for U.S. Customs and Border Protection shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa or electronic certification systems and the implementation of legislation and regulations described in subsection (a) and on measures taken by Afghanistan and Pakistan to prevent circumvention as described in article 5 of the Agreement on Textile and Clothing.

(c) **ADDITIONAL CUSTOMS ENFORCEMENT.**—U.S. Customs and Border Protection shall—

(1) make available technical assistance to Afghanistan and Pakistan—

(A) in the development and implementation of visa or electronic certification systems, legislation, and regulations described in subsection (a)(1)(A) and (B); and

(B) to train their officials in anti-transshipment enforcement;

(2) send production verification teams to Afghanistan and Pakistan as necessary; and

(3) to the extent feasible, place Afghanistan and Pakistan on a relevant e-certification program.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out subsection (c), there are authorized to be appropriated to U.S. Customs and Border Protection \$10,000,000 for each of the fiscal years 2010 through 2023.

**SEC. 407. TECHNICAL ASSISTANCE, CAPACITY BUILDING, COMPLIANCE ASSESSMENT, AND REMEDIATION PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Finance and the Committee on Armed Services of the Senate; and

(B) the Committee on Ways and Means and the Committee on Armed Services of the House of Representatives.

(2) TEXTILE OR APPAREL PRODUCER.—The term “textile or apparel producer” means a producer of a covered article described in section 405(b) that is located in a Reconstruction Opportunity Zone.

(b) ELIGIBILITY.—

(1) PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY AFGHANISTAN OR PAKISTAN WITH REQUIREMENTS.—Upon the expiration of the 16-month period beginning on the date on which the President designates an area within Afghanistan or Pakistan, as the case may be, as a Reconstruction Opportunity Zone under section 403(a), duty-free treatment proclaimed under section 404(a) or 405(a) for articles from such Reconstruction Opportunity Zone may remain in effect only if the President determines and certifies to Congress that Afghanistan or Pakistan, as the case may be—

(A) has implemented the requirements set forth in subsections (c) and (d) with respect to such Reconstruction Opportunity Zone; and

(B) has agreed to require textile or apparel producers in such Reconstruction Opportunity Zone to participate in the program described in subsection (d) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in subsection (c)(2)(A).

(2) EXTENSION.—

(A) INITIAL EXTENSION.—The President may extend the period for compliance by Afghanistan or Pakistan under paragraph (1) for an initial 6-month period if the President—

(i) determines that Afghanistan or Pakistan, as the case may be, has made a good faith effort toward implementing the requirements set forth in paragraph (1) (A) and (B) and has agreed to take additional steps towards implementing such requirements that are satisfactory to the President; and

(ii) provides to the appropriate congressional committees, not later than 30 days before the last day of the 16-month period specified in paragraph (1), a report identifying the additional steps that Afghanistan or Pakistan, as the case may be, has agreed to take as described in clause (i).

(B) SUBSEQUENT EXTENSIONS.—The President may extend the period for compliance by Afghanistan or Pakistan under paragraph (1) for subsequent 6-month periods if, with respect to each such extension, the President—

(i) provides an opportunity for public comment and a public hearing on the possible extension not later than 45 days before the last day of the existing 6-month extension;



(ii) consults with the Secretary of Labor and the appropriate congressional committees with respect to the possible extension not later than 45 days before the last day of the existing 6-month extension;

(iii) determines, taking into account any public comments and input received during the public hearing described in clause (i) and the consultations described in clause (ii), that extraordinary circumstances exist that preclude Afghanistan or Pakistan, as the case may be, from meeting the requirements set forth in paragraph (1) (A) and (B); and

(iv) publishes in the Federal Register a notice that describes—

(I) the extraordinary circumstances described in clause (iii);

(II) the reasons why the extraordinary circumstances preclude Afghanistan or Pakistan, as the case may be, from meeting the requirements set forth in paragraph (1) (A) and (B); and

(III) the steps Afghanistan or Pakistan, as the case may be, will take during the 6-month period of the extension to implement the requirements set forth in paragraph (1) (A) and (B).

(3) CONTINUING COMPLIANCE.—

(A) TERMINATION OF DUTY-FREE TREATMENT.—If, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President shall terminate the duty-free treatment proclaimed under section 404(a) or 405(a).

(B) CONTINUATION OF DUTY-FREE TREATMENT NOTWITHSTANDING NONCOMPLIANCE.—

(i) INITIAL 6-MONTH CONTINUATION.—Notwithstanding subparagraph (A), if, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President may extend the duty-free treatment proclaimed under section 404(a) or 405(a) for an initial 6-month period if the President—

(I) determines, after consultation with the Secretary of Labor and the appropriate congressional committees, that extraordinary circumstances exist that preclude Afghanistan or Pakistan, as the case may be, from continuing to meet the requirements set forth in paragraph (1) (A) and (B); and

(II) publishes in the Federal Register a notice, not later than 30 days after making the determination under subclause (I), that describes—

(aa) the extraordinary circumstances described in subclause (I); and

(bb) the reasons why the extraordinary circumstances preclude Afghanistan or Pakistan, as the case may be, from continuing to meet

the requirements set forth in paragraph (1) (A) and (B).

(ii) **SUBSEQUENT 6-MONTH CONTINUATION.**—The President may extend the duty-free treatment proclaimed under section 404(a) or 405(a) for a subsequent 6-month period if, with respect to such extension, the President makes a determination that meets the requirements of clause (i)(I) and publishes in the Federal Register a notice that meets the requirements of clause (i)(II).

(C) **SUBSEQUENT COMPLIANCE.**—If the President, after terminating duty-free treatment under subparagraph (A), determines that Afghanistan or Pakistan, as the case may be, is implementing the requirements set forth in paragraph (1) (A) and (B) and meets the requirements of section 403, the President shall reinstate the application of duty-free treatment proclaimed under section 404(a) or 405(a).

(c) **LABOR OFFICIAL.**—

(1) **IN GENERAL.**—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, has designated a labor official within the national government that—

(A) reports directly to the President of Afghanistan or Pakistan, as the case may be;

(B) is chosen by the President of Afghanistan or Pakistan, as the case may be, in consultation with labor unions and industry associations; and

(C) is vested with the authority to perform the functions described in paragraph (2).

(2) **FUNCTIONS.**—The functions of the labor official shall include—

(A) developing and maintaining a registry of textile or apparel producers, and developing, in consultation and coordination with any other appropriate officials of the Government of Afghanistan or Pakistan, as the case may be, a system to ensure participation by such producers in the program described in subsection (d);

(B) overseeing the implementation of the program described in subsection (d);

(C) receiving and investigating comments from any interested party regarding the conditions described in subsection (d)(2) in facilities of textile or apparel producers listed in the registry described in subparagraph (A) and, where appropriate, referring such comments or the result of such investigations to the appropriate authorities of Afghanistan or Pakistan, as the case may be, and to the entity operating the program described in subsection (d);

(D) assisting, in consultation and coordination with any other appropriate authorities of Afghanistan or Pakistan, as the case may be, textile or apparel producers listed in the registry described in subparagraph (A) in meeting the conditions set forth in subsection (d)(2); and

(E) coordinating, with the assistance of the entity operating the program described in subsection (d), a tripartite committee comprised of appropriate representatives of gov-

ernment agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the program described in subsection (d), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Afghanistan or Pakistan, as the case may be, and on other matters of common concern relating to such core labor standards and working conditions.

(d) TECHNICAL ASSISTANCE, CAPACITY BUILDING, COMPLIANCE ASSESSMENT, AND REMEDIATION PROGRAM.—

(1) IN GENERAL.—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, in cooperation with the entity designated by the Secretary of Labor under paragraph (3)(A)(i), has established a program meeting the requirements under paragraph (3)—

(A) to assess compliance by textile or apparel producers listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and to assist such producers in meeting such conditions; and

(B) to provide assistance to improve the capacity of the Government of Afghanistan or Pakistan, as the case may be—

(i) to inspect facilities of textile or apparel producers listed in the registry described in subsection (c)(2)(A); and

(ii) to enforce national labor laws and resolve labor disputes, including through measures described in paragraph (5).

(2) CONDITIONS DESCRIBED.—The conditions referred to in paragraph (1) are—

(A) compliance with core labor standards; and

(B) compliance with the labor laws of Afghanistan or Pakistan, as the case may be, that relate directly to core labor standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(3) REQUIREMENTS.—The requirements for the program are that the program—

(A) is operated by an entity that—

(i) is designated by the Secretary of Labor, in consultation with appropriate officials of the Government of Afghanistan or Pakistan, as the case may be;

(ii) operates independently of the Government of Afghanistan or Pakistan, as the case may be;

(iii) has expertise relating to monitoring of core labor standards;

(iv) if the entity designated under clause (i) is an entity other than the International Labor Organization, is subject to evaluation by the International Labor Organization at the request of the Secretary of Labor, including—

(I) annual review of the operation of the program; and

(II) annual recommendations to the entity operating the program, the Government of Afghani-

stan or Pakistan, as the case may be, and the Secretary of Labor to improve the operation of the program;

(v) prepares the annual report described in paragraph (4);

(B) is developed through a participatory process that includes the labor official described in subsection (c) of Afghanistan or Pakistan, as the case may be, and appropriate representatives of government agencies, employers, and workers;

(C) assess compliance by each textile or apparel producer listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and identify any deficiencies by such producer with respect to meeting such conditions, including by—

- (i) conducting site visits to facilities of the producer;
- (ii) conducting confidential interviews with workers and management of the facilities of the producer; and
- (iii) providing to management and workers, and where applicable, worker organizations of the producer, on a confidential basis—

(I) the results of the assessment carried out under this subparagraph; and

(II) specific suggestions for remediating any such deficiencies;

(D) assist the textile or apparel producer in remediating any deficiencies identified under subparagraph (C);

(E) conduct prompt follow-up site visits to the facilities of the textile or apparel producer to assess progress on remediation of any deficiencies identified under subparagraph (C); and

(F) provide training to workers and management of the textile or apparel producer, and where appropriate, to other persons or entities, to promote compliance with paragraph (2).

(4) ANNUAL REPORT.—The annual report referred to in paragraph (3)(A)(v) is a report, by the entity operating the program, that is published (and available to the public in a readily accessible manner) on an annual basis, beginning 1 year after Afghanistan or Pakistan, as the case may be, has implemented a program under this subsection, covering the preceding 1-year period, and that includes the following:

(A) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having met the conditions under paragraph (2).

(B) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having deficiencies with respect to the conditions under paragraph (2), and has failed to remedy such deficiencies.

(C) For each textile or apparel producer listed under subparagraph (B)—

(i) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the program;

(ii) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

(iii) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

(D) For each textile or apparel producer identified as having deficiencies with respect to the conditions described under paragraph (2) in a prior report under this paragraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

(5) CAPACITY BUILDING.—The assistance to the Government of Afghanistan or Pakistan referred to in paragraph (1)(B) shall include programs—

(A) to review the labor laws and regulations of Afghanistan or Pakistan, as the case may be, and to develop and implement strategies for improving such labor laws and regulations;

(B) to develop additional strategies for protecting core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

(C) to increase awareness of core labor standards and national labor laws;

(D) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

(E) to assist the labor official of Afghanistan or Pakistan, as the case may be, designated pursuant to subsection (c) in establishing and coordinating operation of the committee described in subsection (c)(2)(E);

(F) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

(G) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

(e) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

(1) COUNTRY COMPLIANCE WITH CORE LABOR STANDARDS ELIGIBILITY CRITERIA.—In making a determination of whether Afghanistan or Pakistan is meeting the eligibility requirement set forth in section 403(b)(1)(E) relating to core labor standards, the President shall consider any reports produced under subsection (d)(4) and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

## (2) PRODUCER ELIGIBILITY.—

## (A) IDENTIFICATION OF PRODUCERS.—

(i) IN GENERAL.—Except as provided in clause (ii), beginning 2 years after the President makes the certification under subsection (b)(1), the President shall identify on a biennial basis whether a textile or apparel producer listed in the registry described in subsection (c)(2)(A) and in operation for at least 1 year has failed to comply with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards.

(ii) EXCEPTION.—The President may identify a textile or apparel producer at any time under clause (i) if the evidence warrants such a review.

(B) ASSISTANCE TO PRODUCERS; WITHDRAWAL, ETC., OF DUTY-FREE TREATMENT.—For each textile or apparel producer that the President identifies under subparagraph (A), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards. If, within a reasonable period of time, such efforts fail, the President shall withdraw, suspend, or limit the application of duty-free treatment to textile and apparel covered articles of such producer.

(C) REINSTATING DUTY-FREE TREATMENT.—If the President, after withdrawing, suspending, or limiting the application of duty-free treatment under subparagraph (B) to articles of a textile or apparel producer, determines that such producer is complying with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards, the President shall reinstate the application of duty-free treatment under section 405 to the textile and apparel covered articles of such producer.

(D) CONSIDERATION OF REPORTS.—In making the identification under subparagraph (A) and the determination under subparagraph (C), the President shall consider the reports made available under subsection (d)(4).

## (f) REPORTS BY THE PRESIDENT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section during the preceding 1-year period.

(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following:

(A) An explanation of the efforts of Afghanistan and Pakistan, the President, and entity designated by the Secretary of Labor to carry out this section.

(B) A summary of each report produced under subsection (d)(4) during the preceding 1-year period and a summary of the findings contained in such report.

(C) Identifications made under subsection (e)(2)(A) and determinations made under subsection (e)(2)(C).

(g) EVALUATION AND REPORT BY SECRETARY OF LABOR.—

(1) EVALUATION.—The Secretary of Labor shall evaluate the monitoring program established under this section to determine ways to improve adoption and adherence to core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. To the extent that producers of nontextile or nonapparel articles described in section 404 have established operations in Reconstruction Opportunity Zones, the report shall also evaluate options for expanding the program to include such producers.

(2) REPORT.—Not later than 1 year after the date on which Afghanistan or Pakistan, as the case may be, has implemented a program under this section, the Secretary of Labor shall submit to the appropriate congressional committees a report that contains the results of the evaluation required under paragraph (1) and recommendations to improve the program under this section and, if applicable, to expand the program to include producers of nontextile or nonapparel articles.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out this subsection.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (g)) \$20,000,000 for the period beginning on October 1, 2009, and ending on September 30, 2023.

**SEC. 408. PETITION PROCESS.**

Any interested party may file a request to have the status of Afghanistan or Pakistan reviewed with respect to the eligibility requirements listed in this title, and the President shall provide for this purpose the same procedures as those that are provided for reviewing the status of eligible beneficiary developing countries with respect to the designation criteria listed in subsections (b) and (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)).

**SEC. 409. LIMITATIONS ON PROVIDING DUTY-FREE TREATMENT.**

(a) IN GENERAL.—

(1) PROCLAMATION.—Except as provided in paragraph (2), and subject to subsection (b) and the conditions described in sections 403 through 407, the President shall exercise the President's authority under this title, and the President shall proclaim any duty-free treatment pursuant to that authority.

(2) WAIVER.—The President may waive the application of this title if the President determines that providing such treatment is inconsistent with the national interests of the United States. In making such determination, the President shall consider—

(A) obligations of the United States under international agreements;

(B) the national economic interests of the United States; and

(C) the foreign policy interests of the United States, including the economic development of Afghanistan and the border region of Pakistan.

(b) **WITHDRAWAL, SUSPENSION, OR LIMITATION OF DUTY-FREE TREATMENT.**—The President may withdraw, suspend, or limit the application of the duty-free treatment proclaimed under this title upon consideration of the factors set forth in section 403 (b) and (c) of this Act, and section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)). In taking any action to withdraw, suspend, or limit duty-free treatment with respect to producers receiving benefits under section 404 or 405, the President shall consider the information described in section 403(d) relating to verification of the ownership and nature of the activities of such producers and any other relevant information the President determines to be appropriate.

(c) **NOTICE TO CONGRESS.**—The President shall advise Congress—

(1) of any action the President takes to waive, withdraw, suspend, or limit the application of duty-free treatment with respect to Reconstruction Opportunity Zones in Afghanistan or Pakistan or enterprises receiving benefits under section 404 or 405; and

(2) if either Afghanistan or Pakistan fails to adequately take the actions described in section 403 (b) and (c) of this Act or section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)).

**SEC. 410. TERMINATION OF BENEFITS.**

Duty-free treatment provided under this title shall remain in effect through September 30, 2024.

**SEC. 411. CUSTOMS USER FEES.**

(a) **IN GENERAL.**—The Secretary of the Treasury shall increase the amount of fees charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan as necessary to meet the requirements of subsection (b).

(b) **MINIMUM AMOUNT.**—The amount of the increase in fees charged and collected under the authority of subsection (a)—

(1) shall not be less than \$12,000,000 for the period beginning on the date of the enactment of this Act and ending at the close of September 30, 2014; and

(2) shall not be less than \$105,000,000 for the period beginning on the date of the enactment of this Act and ending at the close of September 30, 2019.

(c) **RULE OF CONSTRUCTION.**—The amount of the increase in fees charged and collected under the authority of subsection (a) shall be in addition to the amount of fees that would otherwise be charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan.

(d) **TERMINATION OF AUTHORITY.**—The authority provided under subsection (a) terminates at the close of the date on which the aggregate amount of the increase in fees charged and collected under the authority of subsection (a) equals \$105,000,000.



SUMMARY OF AMENDMENT IN PART B TO BE MADE IN ORDER FOR H.R.  
1886

Amendment in the nature of a substitute.—the substitute fully funds the administration’s request for non-military assistance to Pakistan (\$1.5 billion) for FY 2010 and provides “such sums” as may be necessary through 2013. It also requires that the administration submit a comprehensive interagency strategy and implementation plan; requires quarterly briefings on developments in Pakistan; as well as written notification to the Congress of adjustments in strategy and related changes in allocations and expenditures. (30 minutes)

PART B—TEXT OF AMENDMENT TO BE MADE IN ORDER  
FOR H.R. 1886

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “United States-Pakistan Security and Stability Act”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Congress supports the following elements outlined in the President’s White Paper of the Interagency Policy Group’s Report on United States Policy Toward Afghanistan and Pakistan:

(A) The core goal of the United States must be to disrupt, dismantle, and defeat al Qaeda and its affiliated networks and their safe havens in Pakistan.

(B) The threat that al Qaeda poses to the United States and its allies in Pakistan—including the possibility of extremists obtaining fissile material—is all too real.

(C) The United States must overcome its trust deficit with Pakistan and demonstrate that it is a reliable, long-term partner.

(2) The Government of Pakistan is facing significant security and socio-economic challenges that set the conditions for greater radicalization and may threaten Pakistan’s viability. Such challenges include the following:

(A) Al Qaeda’s and other extremist groups’ campaign of violent attacks throughout Pakistan, including the Red Mosque incident, the assassination of Benazir Bhutto, and the bombing of the Marriott Hotel in Islamabad.

(B) Pakistan’s population growth at a rate of approximately 2 percent a year, with nearly half of its 172 million residents illiterate, under the age of 20, and living near or below the poverty line.

(3) Security and stability to Pakistan is further complicated given the prevalence of ungoverned spaces between Pakistan and Afghanistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(4) The security and stability of Pakistan is vital to the national security of the United States, and the consequences of failure poses a grave threat to the security of the American people, the region, and United States allies.

(5) The objectives of United States policy toward Pakistan are to empower and enable Pakistan to—

(A) develop into a prosperous and democratic state that is at peace with itself and with its neighbors;

(B) actively confront, and deny safe haven to, al Qaeda, the Taliban, and other extremists;

(C) implement the economic, legal, and social reforms required to create an environment that discourages violent Islamic extremism; and

(D) maintain robust command and control over its nuclear weapons technology.

**SEC. 3. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR PAKISTAN.**

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act of 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan which shall be composed of the elements specified in subsection (b).

(b) **ELEMENTS.**—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 4 will be used to achieve the objectives of United States policy toward Pakistan.

(2) Progress toward the following:

(A) Assisting efforts to enhance civilian control and a stable constitutional government in Pakistan and promote bilateral and regional trade and economic growth.

(B) Developing and operationally enabling Pakistani security forces so they are capable of succeeding in sustained counter-insurgency and counter-terror operations.

(C) Shutting down Pakistani safe havens for extremists.

(D) Improving Pakistan’s capacity and capability to “hold” and “build” areas cleared of insurgents to prevent their return.

(E) Developing and strengthening mechanisms for Pakistan-Afghanistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United States foreign assistance to Pakistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) **INTELLIGENCE SUPPORT.**—The President, after consultation with the Director of National Intelligence, shall provide intelligence support to the development of the comprehensive interagency strategy and implementation plan required by subsection (a).

(d) **UPDATES OF STRATEGY.**—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

**SEC. 4. AUTHORIZATION OF ASSISTANCE FOR PAKISTAN.**

(a) FOREIGN ASSISTANCE ACT OF 1961.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), \$1,500,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.—There is authorized to be appropriated to the President, for the purposes of building a more effective counterinsurgency capability in Pakistan's security forces, up to \$700,000,000 for the Pakistan Counterinsurgency Capability Fund, for fiscal year 2010.

(c) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this Act shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

**SEC. 5. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.**

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 3, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehensive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any assistance described in section 4 as budgetary support to the Government of Pakistan or to any persons, agencies, instrumentalities, or elements of the Government of Pakistan and shall describe the purpose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any other type of assistance described in section 4.

**SEC. 6. DEFINITION.**

In this Act, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

Amend the title so as to read: “A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan, and for other purposes.”.

SUMMARY OF AMENDMENTS IN PART C TO BE MADE IN ORDER TO H.R.

2410

1. Berman (CA) Manager's Amendment which (1) makes a number of minor, technical and conforming changes, including changes to address concerns of other Committees that have jurisdiction over

certain provisions of H.R. 2410 and making changes to certain authorizations; (2) adds the relevant text from H.R. 2828, 110th Congress, as passed by the House, relating to compensation of Foreign Service victims of terrorism; (3) adds a provision relating to streamlining export controls to better serve the scientific and research community, consistent with the protection of U.S. national security interests; (4) adds a provision on monitoring and evaluating certain provision U.S. overseas activities; (5) adds a provision to improve the stabilization and reconstruction activities of the Department of State; (6) adds a provision on implementation of an international nuclear fuel bank; (7) adds a provision relating to the development of a food security strategy; (8) adds certain other sense of congress provisions; and (9) adds a new subsection to section 334 providing that nothing in that section shall be construed as affecting existing statutory prohibitions relating to abortion. (20 minutes)

2. Ros-Lehtinen (FL) Would require the Secretary of State to withhold from the U.S. contribution to the International Atomic Energy Agency an amount equal to nuclear technical cooperation provided by the IAEA in 2007 to Iran, Syria, Sudan and Cuba. (10 minutes)

3. Polis (CO) Would broaden the experience within the Foreign Service and encourage Foreign Service officers to pursue a functional specialty by making it mandatory to develop a functional focus during an officer's first two years as well as creating a more diverse promotions panel where functional and regional specialists are evenly distributed. It would require the State Department to make materials from libraries and resource centers, including U.S. films available over the Internet when possible and for the advisory commission on public diplomacy to gauge the effectiveness of online outreach authorized under section 214. (10 minutes)

4. Hunter (CA) Would include the Secretary of Defense as a member of the Task Force on the Prevention of Illicit Small Arms Trafficking in the Western Hemisphere. (10 minutes)

5. Nadler (NY) Sense of Congress that the United States should continue working with the states of the former Soviet Union to see that émigrés from these states who now live in the United States are paid the pensions they are owed by these states. (10 minutes)

6. McCaul (TX) Would direct the President to develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan to address the ongoing crisis in Sudan. This includes a description of how the United States assistance will be used to achieve a U.S. policy towards Sudan, financial plan, management of U.S. foreign assistance, and criteria used to determine their prioritization. (10 minutes)

7. Rick Larsen (WA)/Kirk (IL) Would provide that the policy of the United States, with respect to the UN Framework Convention on Climate Change, shall be to prevent any weakening of, and ensure robust compliance with and enforcement of, existing international legal requirements for the protection of intellectual property rights, related to energy or environmental technologies. (10 minutes)

8. Sessions (TX) Sense of Congress that Israel has the right to defend itself from an imminent nuclear or military threat from Iran and other countries and organizations. (10 minutes)

9. Susan Davis (CA)/Grayson (FL) Would require the Inspectors General of the Department of State, the Department of Defense, the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction to modify their auditing and assessment protocols for Afghanistan to include the impact U.S. development assistance has on the social, economic, and political empowerment of Afghan women as part of their auditing and reporting requirements. (10 minutes)

10. Brown-Waite (FL) Would strike Sec. 505, domestic release of the Voice of America film entitled "A Fateful Harvest". (10 minutes)

11. Holt (NJ) Would direct the Secretary of State to report within 60 days of enactment on changes in treaty and U.S. laws that could help improve compliance with the Hague Convention on the Civil Aspects of International Child Abduction. (10 minutes)

12. Brown-Waite (FL) Would strike section 303, establishment of the Lessons Learned Center. (10 minutes)

13. Tim Bishop (NY) Would require a GAO study of the effects of USAID's use of waivers under the Buy America Act for HIV test kits on 1) United States-based manufacturers and 2) availability of and access to HIV testing for at-risk populations in low-income countries. (10 minutes)

14. Gwen Moore (WI) Would make clear that passage of laws in Afghanistan that restrict or repress human rights, including the rights of women, undermines the support and goodwill shown by the international community and the U.S. through the considerable financial aid that has been provided to help rebuild Afghanistan and may make it harder to generate public support for those seeking to provide such support in the future. (10 minutes)

15. Royce (CA) Sense of Congress that Eritrea's support for armed insurgents in Somalia poses a direct threat to the national security interests of the United States, that the Secretary of State should designate Eritrea a State Sponsor of Terrorism, and that the United Nations Security Council should impose sanctions against Eritrea. (10 minutes)

16. Gregory Meeks (NY) Would require the Secretary of State to report to Congress on bilateral efforts to promote equality and eliminate racial discrimination in the Western Hemisphere. (10 minutes)

17. Matheson (UT) Would provide that the Secretary of State, in consultation with the Attorney General and the Director of the Census Bureau, will conduct a feasibility study and issue a report to Congress on whether there can be implemented a method for using the passports of U.S. citizens living overseas to facilitate voting in U.S. elections and for being counted in the U.S. Census. (10 minutes)

18. Kirkpatrick (AZ) Would add to the monitoring and evaluation system established in the bill a requirement to look at the illegal southbound flow of cash. (10 minutes)

19. Kirk (IL) Would allow the Secretary of State, at her discretion, to make payments from the Rewards for Justice program to officers or employees of foreign governments who provide information leading to the capture of exceptional and high-profile terrorists. (10 minutes)

20. Lynch (MA) Would direct the State Department to submit to Congress a report on the 1059 and 1244 Special Immigrant Visa Programs for certain Iraqis and Afghanis who work for, or on behalf of, the U.S. Government. (10 minutes)

21. Hill (IN) Would require the Department of State to conduct a cost-benefit analysis in conjunction with all appropriate Federal departments and agencies on how to best use American funds to reduce smuggling and trafficking in persons. (10 minutes)

22. Peters (MI) Would provide that the Secretary of State shall report to Congress on the flow of people, goods, and services across the international borders shared by the U.S., Canada, Mexico, Bermuda, and the Caribbean region. (10 minutes)

23. Teague (NM)/Titus (NV)/Giffords (AZ) Would create the Global Clean Energy Exchange Program a program to strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient energy technologies. (10 minutes)

24. Eddie Bernice Johnson (TX) Would establish and provide financial assistance for exchange programs between Afghanistan and the United States for women legislators. (10 minutes)

25. Eddie Bernice Johnson (TX) Sense of Congress that the use of child soldiers is unacceptable and is a violation of human rights and the prevention and elimination of child soldiers should be a foreign policy goal of the United States. (10 minutes)

26. Poe (TX) Would make it a two year requirement for the President to report total U.S. cash and in-kind contributions to the entire United Nations system each fiscal year by every U.S. agency or department. (10 minutes)

27. Castle (DE)/Dent (PA) Would require reports to Congress every 90 days listing the countries that refuse or unreasonably delay accepting nationals of such countries who are under final orders of removal from the United States. The amendment empowers the Secretary of State to suspend diplomatic visa issuances to any country that continues to deny or unreasonably delay repatriation. (10 minutes)

#### PART C—TEXT OF AMENDMENTS TO BE MADE IN ORDER FOR H.R. 2410

##### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERMAN OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 12, line 3, strike “\$100,000,000” and insert “\$105,500,000”.

Page 15, beginning line 20, strike “such sums as may be necessary” and insert “\$115,000,000”.

Page 17, line 12, insert “in” before “section”.

Page 43, line 12, strike “live” and insert “live and work, or study or volunteer,”.

In section 226, redesignate subsections (d) through (k) as subsection (e) through (l) and insert after subsection (c) the following:

(d) USE OF FUNDS.—Paragraph (2) of subsection (c) of section 207 of such Act is amended to read as follows:

“(2) USE OF FUNDS.—All or part of the amounts allotted for the Foundation under paragraph (1) may be transferred to the Foundation or to the appropriate Department of State appro-

priation for the purpose of carrying out or supporting the Foundation's activities.”.

Page 60, beginning line 4, strike “a refugee or asylee spouse” and insert “a spouse of a refugee or of a person who has been granted asylum”.

Page 60, line 5, strike “biological” and insert “birth”.

Page 60, strike lines 8 through 20 and insert the following:

(d) ERMA ACCOUNT.—Section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended by striking “\$100,000,000” and inserting “\$200,000,000”.

Page 61, line 14, insert “, including children, as appropriate,” after “refugees”.

Page 61, line 18, strike “pilot”.

Page 64, line 2, strike “shall” and insert “should”.

Page 64, line 6, insert “during this refugee crisis” before the period.

Page 64, line 9, strike “the National Security Council,”.

Page 64, line 11, insert “the Department of Defense,” before “the United States”.

Page 65, line 2, strike “such” and insert “refugee”.

Page 65, line 11, strike “and” and insert “, the International Committee of the Red Cross,”.

Page 65, line 12, strike “such other” and insert “and other appropriate”.

Page 69, beginning line 8, strike “applicants and” and insert “applicants, including any effect such method may have on an interviewer’s ability to determine an applicant’s credibility and uncover fraud, and shall”.

Page 82, line 13, after “committees” insert “and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 110, after line 25, insert the following:

**SEC. 305. INCREASING THE CAPACITY OF THE DEPARTMENT OF STATE TO RESPOND TO CRISES.**

Paragraph (5) of section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008 (title XVI of Public Law 110–417) is amended to read as follows:

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

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

“(B) individuals employed by personal services contract, including those employed pursuant to section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)) and section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)); and

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

Page 112, line 15, strike “equal to” and insert “up to”.

Page 112, line 19, strike “equal to” and insert “up to”.

Page 129, line 4, insert “and support for” after “cooperation with”.

Page 129, line 4, strike “government” and insert “government’s efforts”.

Page 131, line 24, strike “coordinate” and insert “assist in the coordination of”.

Page 133, line 19, strike “subparagraph (A) and (B)” and insert “this section”.

Page 133, beginning line 25, strike “of or trafficking in” and insert “or distribution of”.

Page 134, line 15, strike “of or trafficking in” and insert with “or distribution of”.

Page 145, after line 8, insert the following:

(e) RELATIONSHIP TO OTHER LAWS REGARDING ABORTION.—Nothing in this section, and in particular the duties of the office described in subsection (c), shall be construed as affecting in any way existing statutory prohibitions against abortion or existing statutory prohibitions on the use of funds to engage in any activity or effort to alter the laws or policies in effect in any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

Page 145, line 9, strike “(e)” and insert “(f)”.

Page 145, after line 13, insert the following:

**SEC. 335. FOREIGN SERVICE VICTIMS OF TERRORISM.**

(a) ADDITIONAL DEATH GRATUITY.—Section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) In addition to a death gratuity payment under subsection (a), the Secretary or the head of the relevant United States Government agency is authorized to provide for payment to the surviving dependents of a Foreign Service employee or a Government executive branch employee, if such Foreign Service employee or Government executive branch employee is subject to the authority of the chief of mission pursuant to section 207, of an amount equal to a maximum of eight times the salary of such Foreign Service employee or Government executive branch employee if such Foreign Service employee or Government executive branch employee is killed as a result of an act of international terrorism. Such payment shall be accorded the same treatment as a payment made under subsection (a). For purposes of this subsection, the term ‘act of international terrorism’ has the meaning given such term in section 2331(1) of title 18, United States Code.”.

(b) CERTAIN SPECIFIC PAYMENTS.—Subject to the availability of appropriations specifically for the purpose specified in this subsection as provided in appropriations Acts enacted on or after October 1, 2007, and notwithstanding any other provision of law, the Secretary of State shall pay the maximum amount of payment under section 413(d) of the Foreign Service Act of 1980 (as amended by subsection a(2) of this section) to an individual described in such section 413(d) or to an individual who was otherwise serving at a United States diplomatic or consular mission abroad without



a regular salary who was killed as a result of an act of international terrorism (as such term is defined in section 2331(1) of title 18, United States Code) that occurred between January 1, 1998, and the date of the enactment of this section, including the victims of the bombing of August 7, 1998, in Nairobi, Kenya. Such a payment shall be deemed to be a payment under section 413(d) of the Foreign Service Act of 1980, except that for purposes of this section, such payment shall, with respect to a United States citizen receiving payment under this section, be in an amount equal to ten times the salary specified in this section. For purposes of this section and section 413(d) of such Act, with respect to a United States citizen receiving payment under this section, the salary to be used for purposes of determining such payment shall be \$94,000.

Page 157, line 8, strike “State” and insert “State, in consultation with the Secretary of Energy,”.

Page 157, line 9, strike “Committee” and all that follows through “Senate” on line 11 and insert “appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 160, line 3, after “appropriate congressional committees” insert “and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 163, after line 2, insert the following:

**SEC. 418. IMPLEMENTING AN INTERNATIONAL NUCLEAR FUEL BANK.**

It is the sense of Congress that, not later than 120 after the date of the enactment of this Act, the Secretary of State should appoint a coordinator to help implement the International Nuclear Fuel Bank to ensure that countries have a supply of fuel for nuclear energy and do not have to enrich their own uranium.

Page 164, line 17, strike “200” and insert “125”.

Page 181, line 17, insert before the semicolon the following: “, and four year colleges and universities demonstrating an institutional commitment to increasing study abroad participation”.

Page 184, line 11, strike “majority leader” and insert “Speaker”.

Page 240, strike line 10 and all that follows through page 241, line 9 and insert the following:

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

“(c) CRIMINAL PENALTIES FOR VIOLATIONS OF THIS SECTION AND SECTION 39.—Whoever willfully—

“(1) violates this section or section 39, or

“(2) in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading,

shall be fined not more than \$1,000,000 or imprisoned not more than 20 years, or both.”.

Page 242, after line 14, insert the following:

**SEC. 832. REPORT ON CERTAIN ASPECTS OF UNITED STATES EXPORT CONTROLS.**

Not later than 180 days after the date of the enactment of this Act, the President, taking into account the views of the relevant

Federal departments and agencies, shall transmit to Congress a report on the plans of such departments and agencies to streamline United States export controls and processes to better serve the needs of the United States scientific and research community, consistent with the protection of United States national security interests.

Page 243, strike lines 19 through 23 and insert the following:

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—

(1) COORDINATION WITH CERTAIN PROGRAMS.—To the extent that activities are carried out during a fiscal year pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163: 119 Stat. 3456), the Secretary of State shall coordinate with the Secretary of Defense on the formulation and execution of the program authorized under subsection (a) to ensure that the activities under this program complement the activities carried out pursuant to such section 1206.

(2) CONSULTATION.—The Secretary of State may also consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

Page 252, after line 11, insert the following:

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize appropriations for the Arrow Weapons System or David’s Sling weapons program under any provision of law that is funded from accounts within budget function 050 (National Defense).

Page 264, beginning line 1, insert the following:

(3) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent practicable, and without compromising law enforcement sensitive or other protected information, the reports required by paragraph (1) should be made available to the Congress of Mexico for use in their oversight activities, including through the Mexico-United States Inter-Parliamentary Group process.

Page 264, beginning line 17, strike “develop a strategy for the Federal Government to improve” and insert “evaluate”.

Page 264, line 24, insert “and enforcement of current regulations” after “regulation”.

Page 265, strike lines 1 through 5 and insert the following:

(2) evaluate Federal policies, including enforcement policies, for control of exports of small arms and light weapons and, if warranted, suggest improvements that further the foreign policy and national security interests of the United States within the Western Hemisphere.

Strike section 912 and insert the following:

**SEC. 912. INCREASE IN PENALTIES FOR ILLICIT TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.**

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by sections 831(a) of this Act, is further amended—

(1) in subsection (c), by striking “Whoever” and inserting “Subject to subsection (d), whoever,”; and

(2) by inserting after subsection (c) the following new subsection:

“(d) **TRAFFICKING IN SMALL ARMS AND LIGHT WEAPONS TO COUNTRIES IN THE WESTERN HEMISPHERE.**—Whoever willfully exports to a country in the Western Hemisphere any small arm or light weapon without a license in violation of this section shall be fined not more than \$3,000,000 and imprisoned for not more than 20 years, or both. For purposes of this subsection, the term ‘small arm or light weapon’ means any item listed in Category I(a), Category III (as it applies to Category I(a)), or grenades under Category IV(a) of the United States Munitions List (as contained in part 121 of title 22, Code of Federal Regulations (or successor regulations)) that requires a license for international export under this section.”.

Page 267, strike lines 15 through 20.

Page 273, line 11, after the period insert the following: “The United States should urge the European Union, its member states, and the international community to call for an immediate and complete withdrawal of Russian troops deployed within Georgia in accordance with the August and September 2008 ceasefire agreements and for Russia to rescind its recognition of the independence of Abkhazia and South Ossetia.”.

Page 275, line 17, strike “Congress” and insert “the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate”.

Page 281, after line 14, insert the following:

**SEC. 1012. RECRUITMENT AND HIRING OF VETERANS AT THE DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) **FINDINGS.**—Congress finds the following:

(1) Building a more expeditionary and capable Department of State and United States Agency for International Development requires recruitment of personnel with experience working in unstable areas.

(2) Veterans of the Armed Forces have specialized experience gained from working under stressful circumstances in hostile, foreign environments or under difficult circumstances.

(3) The Foreign Service Act of 1980 states that “The fact that an applicant for appointment as a Foreign Service officer candidate is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments.”.

(4) In 1998, Congress enacted the Veterans Employment Opportunities Act (VEOA), requiring that Federal agencies must allow preference eligibles and certain veterans to apply for positions announced under merit promotion procedures whenever an agency is recruiting from outside its own workforce.

(5) The annual report of the Office of Personnel Management on “The Employment of Veterans in the Federal Government” for fiscal year 2007, detailing the efforts by all agencies of the Federal Government to hire veterans, reported that 15.6 percent of all Department of State employees were veterans.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of State and the United States Agency for International Development should intensify their efforts to recruit more veterans,

that those applicants who are entitled to five or ten point veterans preference have also served in the Armed Forces in areas of instability with specialties such as civil affairs, law enforcement, and assignments where they regularly performed other nation-building activities, and that this experience should be an additional affirmative factor in making appointments to serve in the Foreign Service.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to Congress a report on the efforts of the Department of State and the United States Agency for International Development to improve the recruitment of veterans into their respective workforces.

Page 304, line 7, insert “contribute to peace and security and” before “help”.

Page 304, strike line 17 and all that follows through page 305, line 15, and insert the following:

(A) assist partner countries to establish and strengthen the institutional infrastructure required for such countries to achieve self-sufficiency in participating in peace support operations, including for the training of formed police units;

(B) train peacekeepers worldwide to increase global capacity to participate in peace support operations;

(C) provide transportation and logistics support to deploying peacekeepers as appropriate;

(D) enhance the capacity of regional and sub-regional organizations to train for, plan, deploy, manage, obtain, and integrate lessons learned from peace operations;

(E) support multilateral approaches to coordinate international contributions to peace support operations capacity building efforts; and

Page 305, line 16, strike “(H)” and insert “(F)”.

Page 306, after line 10, insert the following:

(4) RELATION TO OTHER PROGRAMS AND ACTIVITIES.—The activities described under paragraph (1)(F) may be coordinated or conducted in conjunction with other foreign assistance programs and activities of the United States, as appropriate and in accordance with United States law.

Page 307, strike lines 12 through 14.

Page 307, line 15, strike “(F)” and insert “(E)”.

Page 307, line 15, strike “data” and insert “information”.

Page 307, line 19, strike “(G)” and insert “(F)”.

Page 307, line 23, strike “(H)” and insert “(G)”.

Page 307, line 23, strike “data measuring” and insert “information concerning”.

Page 308, line 1, strike “(I)” and insert “(H)”.

Page 308, beginning line 5, strike “such sums as may be necessary for each of fiscal years 2010 and 2011” and insert “\$140,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011”.

Page 325, after line 19, insert the following:

**SEC. 1114. MODERNIZATION AND STREAMLINING OF UNITED STATES FOREIGN ASSISTANCE.**

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 608 the following new section:

**“SEC. 609. MONITORING AND EVALUATION OF UNITED STATES FOREIGN ASSISTANCE.**

“(a) IN GENERAL.—The Secretary of State should develop and implement a rigorous system to monitor and evaluate the effectiveness and efficiency of United States foreign assistance. The system should include a method of coordinating the monitoring and evaluation activities of the Department of State and the United States Agency for International Development with the monitoring and evaluation activities of other Federal departments and agencies carrying out United States foreign assistance programs, and when possible with other international bilateral and multilateral agencies and entities.

“(b) ELEMENTS.—In carrying out subsection (a), the Secretary, under the direction of the President, should ensure that the head of each Federal department or agency carrying out United States foreign assistance programs—

“(1) establishes measurable performance goals, including gender-sensitive goals wherever possible, for such programs;

“(2) establishes criteria for selection of such programs to be subject to various evaluation methodologies, with particular emphasis on impact evaluation;

“(3) establishes an organization unit, or strengthens an existing unit, with adequate staff and funding to budget, plan, and conduct appropriate performance monitoring and improvement and evaluation activities with respect to such programs;

“(4) establishes a process for applying the lessons learned and findings from monitoring and evaluation activities, including impact evaluation research, into future budgeting, planning, programming, design and implementation of such programs; and

“(5) establishes a policy to publish all evaluation plans and reports relating to such programs.

“(c) ANNUAL EVALUATION PLANS.—

“(1) IN GENERAL.—In carrying out subsection (a), the Secretary, under the direction of the President, should ensure that the head of each Federal department or agency carrying out United States foreign assistance programs develops an annual evaluation plan for such programs stating how the department or agency will implement this section.

“(2) CONSULTATION.—In preparing the evaluation plan, the head of each Federal department or agency carrying out United States foreign assistance programs should consult with the heads of other appropriate Federal departments and agencies, governments of host countries, international and local nongovernmental organizations, and other relevant stakeholders.

“(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this section, the head of each Federal department or agency carrying out United States foreign assistance programs should submit to the appropriate con-

gressional committees an evaluation plan consistent with this subsection.

“(d) CAPACITY BUILDING.—

“(1) FOR FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary, under the direction of the President and in consultation with the head of each Federal department or agency carrying out United States foreign assistance programs, should take concrete steps to enhance the performance monitoring and improvement and evaluation capacity of each such Federal department and agency, subject to the availability of resources for such purposes, including by increasing and improving training and education opportunities, and by adopting best practices and up-to-date evaluation methodologies to provide the best evidence available for assessing the outcomes and impacts of such programs.

“(2) FOR RECIPIENT COUNTRIES.—The Secretary is authorized to provide assistance to increase the capacity of countries receiving United States foreign assistance to design and conduct performance monitoring and improvement and evaluation activities.

“(e) BUDGETARY PLANNING.—The head of each Federal department or agency carrying out United States foreign assistance programs should request in the annual budget of the department or agency a funding amount to conduct performance monitoring and improvement and evaluations of such programs, projects, or activities.

“(f) REPORT.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and in each of the two subsequent years, the Secretary shall transmit to the appropriate congressional committees a report on—

“(A) the use of funds to carry out evaluations under this section;

“(B) the status and findings of evaluations under this section; and

“(C) the use of findings and lessons learned from evaluations under this section, including actions taken in response to recommendations included in current and previous evaluations, such as the improvement or continuation of a program, project, or activity.

“(2) PUBLICATION.—The report shall also be made available on the Department of State’s website.

“(g) DEFINITIONS.—

“(1) IN GENERAL.—In this section—

“(A) the term ‘appropriate congressional committees’ means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate;

“(B) the term ‘Secretary’ means the Secretary of State; and

“(C) the term ‘United States foreign assistance’ means—

“(i) assistance authorized under this Act; and

“(ii) assistance authorized under any other provision of law that is classified under budget function 150 (International Affairs).

“(2) TERMS RELATING TO MONITORING AND EVALUATION.—In this section—

“(A) the term ‘evaluation’ means the systematic and objective determination and assessment of the design, implementation, and results of an on-going or completed program, project, or activity;

“(B) the term ‘impact evaluation research’ means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome or impact can be attributed to United States program, project, or activity intervention instead of other environmental factors, including change in political climate and other donor assistance;

“(C) the term ‘impacts’ means the positive and negative, direct and indirect, intended and unintended long-term effects produced by a program, project, or activity;

“(D) the term ‘outcomes’ means the likely or achieved immediate and intermediate effects of the outputs of a program, project, or activity;

“(E) the term ‘outputs’ means the products, capital, goods, and services that result from a program, project, or activity; and

“(F) the term ‘performance monitoring and improvement’ means a continuous process of collecting, analyzing, and using data to compare how well a program, project, or activity is being implemented against expected outputs and program costs and to make appropriate improvements accordingly.

“(h) FUNDING.—Of the amounts authorized to be appropriated for each United States foreign assistance program for each of the fiscal years 2010 and 2011, not less than 5 percent of such amounts should be made available to carry out this section.”.

(b) REPEALS OF OBSOLETE AUTHORIZATIONS OF ASSISTANCE; CONFORMING AMENDMENTS.—

(1) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are hereby repealed:

(A) Section 125 (22 U.S.C. 2151w; relating to general development assistance).

(B) Section 219 (22 U.S.C. 2179; relating to prototype desalting plant).

(C) Title V of chapter 2 of part I (22 U.S.C. 2201; relating to disadvantaged children in Asia).

(D) Section 466 (22 U.S.C. 2286; relating to debt-for-nature exchanges pilot program for sub-Saharan Africa).

(E) Sections 494, 495, and 495B through 495K (22 U.S.C. 2292c, 2292f, and 2292h through 2292q; relating to certain international disaster assistance authorities).

(F) Section 648 (22 U.S.C. 2407; relating to certain miscellaneous provisions).

(2) CONFORMING AMENDMENT.—Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by striking “section 135” and inserting “section 136”.

**SEC. 1115. GLOBAL HUNGER AND FOOD SECURITY.**

(a) **STATEMENT OF POLICY.**—It shall be the policy of the United States to reduce global hunger, advance nutrition, increase food security, and ensure that relevant Federal policies and programs—

(1) provide emergency response and direct support to vulnerable populations in times of need, whether provoked by natural disaster, conflict, or acute economic difficulties;

(2) increase resilience to and reduce, limit, or mitigate the impact of shocks on vulnerable populations, reducing the need for emergency interventions;

(3) increase and build the capacity of people and governments to sustainably feed themselves;

(4) ensure adequate access for all individuals, especially mothers and children, to the required calories and nutrients needed to live healthy lives;

(5) strengthen the ability of small-scale farmers, especially women, to sustain and increase their production and livelihoods; and

(6) incorporate sustainable and environmentally sound agricultural methods and practices.

(b) **INITIATIVES.**—It is the sense of Congress that initiatives developed to carry out subsection (a) should—

(1) be guided by a comprehensive strategy under Presidential leadership that integrates the policies and programs of all Federal agencies;

(2) be balanced and flexible to allow for programs that meet emergency needs and increased investments in longer-term programs;

(3) develop mechanisms that allow cash and commodity-based resources to be effectively combined;

(4) define clear targets, benchmarks, and indicators of success, including gender analysis, in order to monitor implementation, guarantee accountability, and determine whether beneficiaries achieve increased and sustainable food security;

(5) employ the full range of diplomatic resources and provide incentives to other countries to meet their obligations to reduce hunger and promote food security; and

(6) work within a framework of multilateral commitments.

(c) **COMPREHENSIVE STRATEGY TO ADDRESS GLOBAL HUNGER AND FOOD SECURITY.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the President shall direct the Secretary of State to develop and implement a comprehensive strategy to address global hunger and food security with respect to international programs and policies for—

(A) emergency response and management;

(B) safety nets, social protection, and disaster risk reduction;

(C) nutrition;

(D) market-based agriculture, the rehabilitation and expansion of rural agricultural infrastructure, and rural development;

(E) agricultural education, research and development, and extension services;



(F) government-to-government technical assistance programs;

(G) natural resource management, environmentally sound agriculture, and responses to the impact of climate change on agriculture and food production;

(H) monitoring and evaluation mechanisms; and

(I) provision of adequate and sustained resources, including multiyear funding, to ensure the scale and duration of programs required to carry out the United States commitment to alleviate global hunger and promote food security.

(2) COORDINATION WITH INTERNATIONAL GOALS.—In accordance with applicable law, the Secretary of State shall ensure that the comprehensive strategy described in paragraph (1) contributes to achieving the Millennium Development Goal of reducing global hunger by half not later than 2015 and to advancing the United Nations Comprehensive Framework for Action with respect to global hunger and food security, including supporting the United Nations, international agencies, governments, and other relevant organizations and entities in carrying out the Comprehensive Framework for Action.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of State shall submit to the President and Congress, not later than March 31, 2010, and annually thereafter for the next two years, an annual report on the implementation of the comprehensive strategy to address global hunger and food security required under subsection (c), including an assessment of agency innovations, achievements, and failures to perform, and policy and budget recommendations for changes to agency operations, priorities, and funding.

(2) GAO.—Not later than two years after the date of the enactment of this Act and two years thereafter, the Comptroller General of the United States shall submit to Congress a report evaluating the design, implementation, and Federal Government coordination of a comprehensive strategy to address global hunger and food security required on subsection (c).

**SEC. 1116. STATEMENT OF CONGRESS ON THE HUMANITARIAN SITUATION IN SRI LANKA.**

Congress makes the following statements:

(1) the United States welcomes the end to the 26-year conflict in Sri Lanka between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam;

(2) a durable and lasting peace will only be achieved through a political solution that addresses the legitimate aspirations of all Sri Lankan communities, including the Tamils;

(3) the United States eagerly looks forward to the Government of Sri Lanka's putting forward a timely and credible proposal to engage its Tamil community and address the legitimate grievances of its Tamil citizens so that peace and reconciliation can be achieved and sustained;

(4) the United States supports the international community's call for full and immediate access to humanitarian relief agencies to camps for internally displaced persons, and remains deeply concerned about the plight of the thousands civilians affected by the civil war;

(5) the United States expects the Government of Sri Lanka to abide by its commitments to allow access for representatives of the responsible international organizations throughout the screening and registration process for internally displaced persons; and

(6) the United States welcomes the Government of Sri Lanka's commitment to place the camps under civilian control and ensure that such camps meet international humanitarian standards, including the right to freedom of movement, as well as Sri Lanka's pledge to release camp residents, reunite them with separated family members and permit them to return to their homes at the earliest possible opportunity.

Strike section 1122.

Strike section 1123.

Page 341, after line 18, insert the following:

**SEC. 1129. SENSE OF CONGRESS RELATING TO THE MURDER OF UNITED STATES AIR FORCE RESERVE MAJOR KARL D. HOERIG AND THE NEED FOR PROMPT JUSTICE IN STATE OF OHIO V. CLAUDIA C. HOERIG.**

(a) FINDINGS.—Congress finds the following:

(1) United States Air Force Reserve Major Karl D. Hoerig of Newton Falls, Ohio, was a United States citizen and soldier who admirably served his country for over 25 years and flew over 200 combat missions.

(2) The State of Ohio has charged Claudia C. Hoerig with aggravated murder in the case of State of Ohio v. Claudia C. Hoerig.

(3) The State of Ohio charges that Claudia C. Hoerig, Karl D. Hoerig's wife, allegedly purchased a .357 five-shot revolver, practiced shooting the weapon, and then shot Karl D. Hoerig three times, which led to his death on March 12, 2007.

(4) Claudia C. Hoerig fled to Brazil, and claims she is both a citizen of the United States and Brazil.

(5) Brazil's constitution forbids extradition of its nationals, but the United States and Brazil recognize and uphold a Treaty of Extradition signed in 1964.

(6) Law enforcement officials are vigorously pursuing State of Ohio v. Claudia C. Hoerig, the charge of aggravated murder is internationally recognized, and the punishment, which is not capital punishment, is internationally respected.

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

(1) the alleged aggravated murder of United States Air Force Reserve Major Karl D. Hoerig is deserving of justice, and his family and friends deserve closure regarding the murder of their loved one;

(2) the United States Government should, as a priority matter, work with prosecutors in the State of Ohio, as well as facilitate cooperation with the Government of Brazil, in order to obtain justice in this tragic case; and

(3) a resolution of the case of State of Ohio v. Claudia Hoerig is important to maintain the traditionally close cooperation and friendship between the United States and Brazil.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROS-LEHTINEN OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title IV, add the following:

**SEC. 418. WITHHOLDING OF CONTRIBUTIONS EQUAL TO NUCLEAR TECHNICAL COOPERATION PROVIDED TO IRAN, SYRIA, SUDAN AND CUBA IN 2007.**

The Secretary of State shall withhold \$4,472,100 from the United States contribution for fiscal year 2010 to the regularly assessed budget of the International Atomic Energy Agency.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 26, line 21, insert “and, if practicable, made available over the internet” after “general public”.

Page 27, line 7, insert before the period the following: “, including making such films available over the internet, if practicable”.

Page 27, line 16, insert “, including online outreach,” after “resource centers”.

At the end of subtitle C of title III, insert the following:

**SEC. 3. BROADENING EXPERIENCE WITHIN THE FOREIGN SERVICE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Director of the Foreign Service, shall submit to the appropriate congressional committees a detailed plan to increase the career incentives provided to Foreign Service officers to serve in bureaus and offices of the Department of State not primarily focused on regional issues, including the Bureau of Democracy, Human Rights and Labor, the Bureau of Oceans and International Environmental and Scientific Affairs, and the Bureau of Population, Refugees and Migration. In formulating such plan, the Secretary shall consult with a broad range of active and retired Foreign Service officers and current and former officials of the Department to elicit proposals on how to promote non-regional assignments, and shall consider—

(1) requiring all Foreign Service officers to serve at least two years in an bureau or office of the Department not primarily focused on regional issues prior to joining the Senior Foreign Service; and

(2) changing the composition of Foreign Service selection boards to increase the participation of Department personnel with extensive experience in bureaus and offices of the Department not primarily focused on regional issues.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 911(c), redesignate paragraphs (3) and (4) as paragraphs (4) and (5).

In section 911(c), insert after paragraph (2) the following:

(3) the Secretary of Defense;

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NADLER OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XI, add the following:

**SEC. 11 \_\_\_\_ . SENSE OF CONGRESS REGARDING PENSION PAYMENTS OWED BY THE STATES OF THE FORMER SOVIET UNION.**

It is the sense of Congress that the United States should continue working with the states of the former Soviet Union to come to an agreement whereby each state of the former Soviet Union would pay the tens of thousands of beneficiaries who have immigrated to the United States the pensions for which they are eligible and entitled.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCAUL OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XI, add the following:

**SEC. 11 \_\_\_\_ . COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR SUDAN.**

(a) STRATEGY AND PLAN.—Not later than 60 days after the date of the enactment of this Act, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan, which may include a classified annex, to address the ongoing and inter-related crises in Sudan and advance United States national security and humanitarian interests in Sudan, which shall include the elements specified in subsection (c).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required under subsection (b) shall contain at least the following elements:

(1) Consistent with section 1127, a description of a comprehensive policy toward Sudan which balances United States interests in—

(A) resolving the conflict in Darfur;

(B) implementing the Comprehensive Peace Agreement (CPA) and promoting peace and stability in Southern Sudan;

(C) resolving long-standing conflicts in Abyei, Blue Nile, and Southern Kordofan;

(D) advancing respect for democracy, human rights, and religious freedom throughout the country;

(E) addressing internal and regional security; and

(F) combating Islamist extremism.

(2) Progress toward achieving the policy objectives specified in paragraph (1), including—

(A) facilitating the full deployment and freedom of movement of the hybrid United Nations-African Union Mission in Darfur;

(B) ensuring access and security for humanitarian organizations throughout the country including, as appropriate, those organizations that wrongfully have been expelled by the Sudanese regime;

(C) promoting reconciliation within and among disparate groups;

- (D) advancing regional security and cooperation while eliminating cross-border support for armed insurgents;
  - (E) meeting the CPA benchmarks, including preparations for the conduct of national elections and referendum; and
  - (F) shutting down safe-havens for extremists who pose a threat to the national security of the United States and its allies.
- (3) A description of how United States assistance will be used to achieve the objectives of United States policy toward Sudan, including a financial plan and description of resources, programming, and management of United States foreign assistance to Sudan and the criteria used to determine their prioritization.
- (4) An evaluation and description of additional measures that will be taken to advance United States policy, which may range from—
- (A) application of multilateral sanctions by the United Nations or regional allies, or expansion of existing United States sanctions;
  - (B) imposition of a no-fly zone or other coercive measures; or
  - (C) rapprochement with the Sudanese regime or other diplomatic measures.
- (5) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.
- (c) **UPDATES OF STRATEGY.**—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required under subsection (b), as necessary.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARSEN OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XI, add the following:

**SEC. 11 \_\_\_\_ . STATEMENT OF POLICY REGARDING CLIMATE CHANGE.**

To protect American jobs, spur economic growth and promote a “Green Economy”, it shall be the policy of the United States that, with respect to the United Nations Framework Convention on Climate Change, the President, the Secretary of State and the Permanent Representative of the United States to the United Nations should prevent any weakening of, and ensure robust compliance with and enforcement of, existing international legal requirements as of the date of the enactment of this Act for the protection of intellectual property rights related to energy or environmental technology, including wind, solar, biomass, geothermal, hydro, landfill gas, natural gas, marine, trash combustion, fuel cell, hydrogen, micro-turbine, nuclear, clean coal, electric battery, alternative fuel, alternative refueling infrastructure, advanced vehicle, electric grid, or energy efficiency-related technologies.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XI, add the following:

**SEC. 11 \_\_\_\_ . SENSE OF CONGRESS RELATING TO ISRAEL'S RIGHT TO SELF-DEFENSE.**

It is the sense of Congress that Israel has the inalienable right to defend itself in the face of an imminent nuclear or military threat from Iran, terrorist organizations, and the countries that harbor them.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XI, add the following:

**SEC. 11 \_\_\_\_ . AUDIT REQUIREMENTS FOR THE INSPECTORS GENERAL OF THE DEPARTMENT OF STATE, THE DEPARTMENT OF DEFENSE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, AND THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.**

(a) **AUDIT REQUIREMENTS.**—The Inspectors General of the Department of State, the Department of Defense, and the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction should address, as appropriate, in their auditing and assessment protocols for Afghanistan, the impact United States development assistance has on the social, economic, and political empowerment of Afghan women, including the extent to which such assistance helps to carry out the following:

(1) Section 103(a)(7) of the Afghan Freedom Support Act (Public Law 107–327).

(2) The goal expressed in section 102(4) of the Afghan Freedom Support Act (Public Law 107–327) to “help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women.”

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspectors General of the Department of State, the Department of Defense, and the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction shall submit to Congress a report on the implementation of this section.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN-WAITE OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 505.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, add the following:

**SEC. 10 \_\_\_\_ . REPORT ON CHILD ABDUCTION.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report containing recommendations for changes to the Hague Convention on the Civil Aspects of International Child Abduction and related United States laws and regulations regarding international parental child abduction that would, if enacted, provide the United States additional legal tools to ensure compliance with the Hague Convention and facilitate the swift return of United States children wrongfully removed from the United States as a result of international parental child abduction, such as in the case of Sean Goldman of Tinton Falls, New Jersey.

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**12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN-WAITE OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

Strike section 303.

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**13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title X of the bill, add the following new section:

**SEC. 1012. REPORT ON EFFECTS OF BUY AMERICA ACT WAIVERS UNDER THE PEPFAR PROGRAM.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of the effects of the United States Agency for International Development’s use of waivers under the Buy America Act for HIV test kits under the President’s Emergency Plan for AIDS Relief (PEPFAR) program on—

- (1) United States-based manufacturers; and
- (2) availability of and access to HIV testing for at-risk populations in low-income countries

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (a).

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**14. AN AMENDMENT T BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

In section 1107, redesignate paragraphs (4) and (5) as paragraphs (5) and (6), respectively.

In section 1107, insert after paragraph (3) the following:

- (4) recognizes that actions limiting or suppressing the human rights of Afghan women and girls undermines the intent of the significant financial and training contributions that the United States and international community have provided to rebuild the country and to help establish institutions that protect and promote respect of basic and fundamental human rights to overcome the devastating damage to those rights from years of Taliban rule.
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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROYCE OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XI, add the following:

**SEC. 11 . SENSE OF CONGRESS RELATING TO ERITREA.**

(a) FINDINGS.—Congress finds the following:

(1) Section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961 stipulate that a designated state sponsor of terrorism is one “that repeatedly provides support to acts of international terrorism”.

(2) Eritrea repeatedly has provided support for terrorists in Somalia, including the al-Shabaab insurgent group, which maintains links to the al-Qaeda network, and has been designated a Foreign Terrorist Organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (INA), as amended.

(3) The UN Sanctions Monitoring Group on Somalia, established by a committee of the United Nations Security Council pursuant to resolutions 751 (1992) and 1519 (2003), reported in July 2007 that “huge quantities of arms have been provided to the Shabaab by and through Eritrea,” and “the weapons in caches and otherwise in possession of the Shabaab include an unknown number of surface-to-air missiles, suicide belts, and explosives with timers and detonators”.

(4) On August 17, 2007, former Assistant Secretary of State for African Affairs Jendayi Frazer stated, “Eritrea has played a key role in financing, funding and arming the terror and insurgency activities which are taking place in Somalia, and is the primary source of support for that insurgency and terror activity.”

(5) In September 2007, Eritrea hosted the Congress for Somali Liberation and Reconciliation conference, offering sanctuary to al-Qaeda linked factions of the Somali opposition, including Sheik Hassan Dahir Aweys, who has been designated as a terrorist under Executive Order No. 13224 and United Nations Security Council Resolution 1267 for his associations with al-Qaeda, and since has provided substantial political, diplomatic, financial and military support to the Asmara-based Alliance for the Reconstruction of Somalia (ARS) led by Aweys.

(6) In April 2008, the UN Sanctions Monitoring Group on Somalia reported, “the Government of Eritrea continues to provide support to groups that oppose the Transitional Federal Government in the form of arms and military training to fighters of the Shabaab,” and that on or about January 8, 2008, an arms shipment from Eritrea arrived in Mogadishu containing dismantled RPG–7s, hand grenades, anti-tank mines, detonators, pistols, mortar shells, AK–47 assault rifles, PKM machine guns, RPG–2s, small mortars, FAL assault rifles, rifle-fired grenades for the FAL, M–16s and explosives.

(7) The April 2008 report of the UN Sanctions Monitoring Group also found that, “towards the end of 2007, about 120 fighters of the Shabaab travelled to Eritrea for the purpose of attending military training at a military base located near the Ethiopian border.”



(8) In its December 2008 report, the UN Sanctions Monitoring Group on Somalia identified Eritrea as a “principal violator” of the arms embargo on Somalia and asserted that “Eritrean arms embargo violations take place with the knowledge and authorization of senior officials within the Eritrean Government and the ruling People’s Front for Democracy and Justice (PFDJ).”

(9) In testimony before the Senate Permanent Select Committee on Intelligence on February 12, 2009, Director of the Defense Intelligence Agency Lieutenant General Michael Maples stated, “Senior East Africa-based al-Qaida operatives remain at large and likely continue attack planning against U.S. and Western interests in the region,” and “Recent propaganda from both al-Qaida and the Somalia-based terrorist group al-Shabaab highlighting their shared ideology suggests a formal merger announcement is forthcoming.”

(10) On May 20, 2009, Assistant Secretary of State for Africa Affairs Johnnie Carson testified before the Senate Foreign Relations Committee that, “al-Shabaab . . . continues to harbor terrorists, target civilians and humanitarian workers, and attempt to overthrow the TFG through violent means,” and that “a loose coalition of forces under the banner of Hizbul al-Islam, have been attacking TFG forces and other moderates in Mogadishu in an attempt to forcefully overthrow the transitional government. We have clear evidence that Eritrea is supporting these extremist elements, including credible reports that the Government of Eritrea continues to supply weapons and munitions to extremists and terrorist elements.”

(11) Assistant Secretary Carson also testified, “There is also clear evidence of an al-Qaeda presence in Somalia. In 2008, East Africa al-Qaeda operative Saleh al-Nabhan distributed a video showing training camp activity in Somalia and inviting foreigners to travel there for training. A small number of senior Al-Qaeda operatives have worked closely with al-Shabaab leaders in Somalia, where they enjoy safe haven. We have credible reports of foreigners fighting with al-Shabaab.”

(12) On May 14, 2009, Ian Kelly, Spokesman for the U.S. Department of State, stated, “Over the past week, extremists in Mogadishu have repeatedly attacked the people of Somalia and the Transitional Federal Government in pursuit of a radical agenda that can only promote further acts of terrorism and lead to greater regional instability. Eritrea has been instrumental in facilitating support of the extremists to commit these attacks..”

(13) In a Presidential Statement issued on May 18, 2009, the UN Security Council expressed “concern over reports that Eritrea has supplied arms to those opposing the Transitional Federal Government of Somalia in breach of the UN arms embargo, and called on the UN Sanctions Monitoring Group to investigate”.

(14) On May 21, 2009, the Inter Governmental Authority on Development (IGAD), a regional group made up of Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda, stated, “The government of Eritrea and its financiers continue to instigate, finance, recruit, train, fund and supply the criminal elements

in and/or to Somalia,” and called on the Security Council of the United Nations “to impose sanctions on the government of Eritrea without any further delay.”

(15) The Peace and Security Council of the African Union, at its 190th meeting held on May 22, 2009, issued a communiqué expressing, “deep concern at the reports regarding the support provided to these armed groups, through training, provision of weapons and ammunitions and funding, by external actors, including Eritrea, in flagrant violation of the United Nations arms embargo” and called on the UN Security Council to impose sanctions against Eritrea.

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

(1) Eritrea’s ongoing and well-documented support for armed insurgents in Somalia, including for designated Foreign Terrorist Organizations and individuals linked to the deadly bombings by al-Qaeda of the United States Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania in 1998, poses a significant threat to the national security interests of the United States and East African nations;

(2) the Secretary of State should designate the State of Eritrea as a State Sponsor of Terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961; and

(3) the United Nations Security Council should impose sanctions against the State of Eritrea until such time as it ceases its support for armed insurgents, including radical Islamist militants, engaged in destabilizing activities in Somalia.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MEEKS OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, insert the following:

**SEC. 10 \_\_\_\_ . REPORT ON UNITED STATES-BRAZIL JOINT ACTION PLAN TO ELIMINATE RACIAL DISCRIMINATION.**

Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the status, efficacy, and coordination of the United States-Brazil Joint Action Plan to Eliminate Racial Discrimination, and a summary of short and long-term efforts to address the plight of in Afro Latinos and indigenous peoples in the Western Hemisphere through cooperation and bilateral efforts.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MATHE-SON OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title II, add the following:

**SEC. 239. STUDY REGARDING USE OF PASSPORTS FOR OVERSEAS VOTING AND CENSUS.**

The Secretary of State, in consultation with the Attorney General and the Director of the Census Bureau, shall conduct a feasibility study and submit to Congress a report assessing methods of facilitating voting in United States elections by United States citizens

living overseas using passports or other methods, and for using passports or other methods to count United States citizens living overseas in the United States Census.

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRKPATRICK OF ARIZONA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 264, beginning line 1, insert the following:

(K) FLOW OF ILLEGAL FUNDS.—A description and assessment of efforts to reduce the southbound flow of illegal funds.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title II, add the following:

**SEC. 205. ELIGIBILITY IN CERTAIN CIRCUMSTANCES FOR AN AGENCY OF A FOREIGN GOVERNMENT TO RECEIVE A REWARD UNDER THE DEPARTMENT OF STATE REWARDS PROGRAM.**

(a) ELIGIBILITY.—Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking “(f) INELIGIBILITY.—An officer” and inserting the following:

“(f) INELIGIBILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an officer”; and

(2) by adding at the end the following new paragraph:

“(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

“(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

“(B) Such payment may aid in furnishing further information described in such subsection.

“(C) Such payment is formally requested by such agency.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting “or to an officer or employee of a foreign government in accordance with subsection (f)(2)” after “individual”.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LYNCH OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 73, after line 21, insert the following (and amend the table of contents accordingly):

**SEC. 239. REPORT ON SPECIAL IMMIGRANT PROGRAMS FOR CERTAIN NATIONALS OF IRAQ AND AFGHANISTAN.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report on the programs authorized under the following provisions:

(1) Section 1059 of division A of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(2) Section 1244 of division A of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 396 et seq.).

(b) **CONTENTS.**—The report under subsection (a) shall address at least the following:

(1) Whether the eligibility requirements with respect to the programs are sufficiently clear, and if not, whether legislation is necessary to clarify those requirements.

(2) Whether the programs are being run effectively and expeditiously.

(3) Whether processing delays exist with respect to the programs that place applicants' lives at risk, and if so—

(A) what the cause or causes of the delays are; and

(B) whether legislation is necessary to eliminate the delays.

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HILL OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, insert the following:

**SEC. 10 \_\_\_\_ . REPORT ON REDUCING SMUGGLING AND TRAFFICKING IN PERSONS.**

The Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, shall conduct a cost-benefit analysis and submit to Congress a report on how best to use United States funds to reduce smuggling and trafficking in persons.

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERS OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of Title X, insert the following:

**SEC. 10 \_\_\_\_ . REPORT ON WESTERN HEMISPHERE TRAVEL INITIATIVE.**

Not later than 18 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report on the effects of the Western Hemisphere Travel Initiative (WHTI) on the flow of people, goods, and services across the international borders of the United States, Canada, Mexico, Bermuda, and the Caribbean region, with particular emphasis on whether WHTI has been effective in meeting its goal of strengthening United States border security and enhancing accountability of individuals entering the United States, and an assessment of the economic impact associated with WHTI and its effects on small businesses.

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TEAGUE OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XI, insert the following:

**SEC. 11 . GLOBAL CLEAN ENERGY EXCHANGE PROGRAM.**

(a) PROGRAM ESTABLISHMENT.—The Secretary of State is authorized to establish a program to strengthen research, educational exchange, and international cooperation with the aim of promoting the development and deployment of clean and efficient energy technologies in order to reduce global greenhouse gas emissions, address issues of energy poverty in developing countries, and extend the reach of United States technologies and ingenuity that would be beneficial to developing countries. The program authorized under this subsection shall be carried out pursuant to the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) and may be referred to as the “Global Clean Energy Exchange Program”.

(b) DEFINITIONS.—In this section:

(1) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term “clean and efficient energy technology” means an energy supply or end-use technology—

(A) such as—

- (i) solar technology;
- (ii) wind technology;
- (iii) geothermal technology;
- (iv) hydroelectric technology;
- (v) alternative fuels; and
- (vi) carbon capture technology; and

(B) that, over its life cycle and compared to a similar technology already in commercial use—

(i) is reliable, affordable, economically viable, socially acceptable, and compatible with the needs and norms of the country involved;

(ii) results in—

- (I) reduced emissions of greenhouse gases; or
- (II) increased geological sequestration; and

(iii) may—

- (I) substantially lower emissions of air pollutants; or
- (II) generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) GEOLOGICAL SEQUESTRATION.—The term “geological sequestration” means the capture and long-term storage in a geological formation of a greenhouse gas from an energy producing facility, which prevents the release of greenhouse gases into the atmosphere.

(3) GREENHOUSE GAS.—The term “greenhouse gas” means—

- (A) carbon dioxide;
- (B) methane;
- (C) nitrous oxide;
- (D) hydrofluorocarbons;
- (E) perfluorocarbons;
- (F) sulfur hexafluoride; or
- (G) nitrogen trifluoride.

(c) **ELEMENTS.**—The program authorized under subsection (a) shall contain the following elements:

(1) The financing of studies, research, instruction, and other educational activities dedicated to developing clean and efficient energy technologies—

(A) by or to United States citizens and nationals in foreign universities, governments, organizations, companies, or other institutions, and

(B) by or to citizens and nationals of foreign countries in United States universities, governments, organizations, companies, or other institutions.

(2) The financing of visits and exchanges between the United States and other countries of students, trainees, teachers, instructors, professors, researchers, entrepreneurs, and other persons who study, teach, and conduct research in subjects such as the physical sciences, environmental science, public policy, economics, urban planning, and other subjects and focus on developing and commercially deploying clean and efficient energy technologies.

(d) **ACCESS.**—The Secretary of State shall ensure that the program authorized under subsection (a) is available to—

(1) historically Black colleges and universities that are part B institutions (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5))), Tribal Colleges or Universities (as such term is defined in section 316 of such Act (20 U.S.C. 1059c)), and other minority institutions (as such term is defined in section 365(3) of such Act (20 U.S.C. 1067k(3))), and to the students, faculty, and researchers at such colleges, universities, and institutions; and

(2) small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, and small business concerns owned and controlled by veterans (as such terms are defined in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3))).

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDDIE BERNICE JOHNSON OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title II, add the following:

**SEC. 227. EXCHANGES BETWEEN AFGHANISTAN AND THE UNITED STATES FOR WOMEN LEGISLATORS.**

(a) **PURPOSE.**—It is the purpose of this section to provide financial assistance to—

(1) establish an exchange program for Afghan women legislators of the National Assembly of Afghanistan;

(2) expand Afghan women participation in international exchange programs of the Department of State; and

(3) promote the advancement of women in the field of politics, with the aim of encouraging more women to participate in civil society, reducing violence against women, and increasing educational opportunities for women and children,

(b) PROGRAM.—The Secretary of State shall establish an exchange program in cooperation with the women members of parliament in Afghanistan to enable Afghan women legislators to encourage more women to participate in, and continue to be active in, politics and the democratic process in Afghanistan.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDDIE BERNICE JOHNSON OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XI, add the following:

**SEC. 11 . INTERNATIONAL PREVENTION AND ELIMINATION OF CHILD SOLDIERS.**

It is the sense of Congress that—

- (1) the use of child soldiers is unacceptable;
- (2) the use of child soldiers is a violation of human rights and the prevention and elimination of child soldiers should be a foreign policy goal of the United States;
- (3) the use of child soldiers promotes killing and maiming, sexual violence, abductions, destabilization, and displacement;
- (4) investing in the health, education, well being, and safety of children, and providing economic opportunity and vocational training for at-risk youth, is critical to achieving the goals of the United Nations Convention of the Rights of Children; and
- (5) countries should raise to 18 years of age the minimum age for the voluntary recruitment of persons into their national armed forces.

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26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POE OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, insert the following:

**SEC. 10 . REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next two years, the President shall submit to Congress a report, with respect to the preceding fiscal year, listing each United States agency, department, or entity that provides assessed or voluntary contributions to the United Nations and United Nations affiliated agencies and related bodies through grants, contracts, subgrants, or subcontracts that is not fully compliant with the requirements to post such funding information for the fiscal year covered by such report on the website “USAspending.gov” as required by the Federal Funding Accountability and Transparency Act (Public Law 109–282).

(b) AVAILABILITY TO PUBLIC.—The Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet website.

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27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE  
OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XI, add the following (and amend the table of contents accordingly):

**SEC. 11 . ALIEN REPATRIATION.**

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

“(d) ENSURING RETURN OF REMOVED ALIENS.—

“(1) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES DENYING OR DELAYING ACCEPTING ALIEN.—On being notified by the Secretary of Homeland Security that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Secretary of Homeland Security asks whether the government will accept the alien under this section, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the alien.

“(2) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—If the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, the Secretary of Homeland Security, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who is seeking or has received a non-immigrant visa pursuant to subparagraphs (A) and (G) of section 101(a)(15).

“(3) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, and every 3 months thereafter, the Secretary of Homeland Security shall submit to the Congress a report that—

“(A) lists all the countries which refuse or unreasonably delay repatriation; and

“(B) includes the total number of aliens who were refused repatriation, disaggregated by—

“(i) country;

“(ii) detention status; and

“(iii) criminal status.”.